

**MEMORANDUM OF AGREEMENT
BETWEEN
THE NATIONAL SCIENCE FOUNDATION
AND
THE U.S. DEPARTMENT OF COMMERCE**

I. PURPOSE

This memorandum of agreement (MOA) provides for the transfer of authority from the National Science Foundation (NSF) to authorize the U.S. Department of Commerce (DOC) to administer Cooperative Agreement NCR 92-18742. It is in the mutual interest of DOC and NSF to transfer this authority and to cooperate in negotiating the terms of the ramp down of the Cooperative Agreement to ensure the seamless and stable transition from the existing framework of Internet administration to a private sector management governance structure as set forth in the Statement of Policy entitled, "Management of Internet Names and Addresses," 63 *Fed. Reg.* 31741 (1998) (hereinafter "Statement of Policy").

II. BACKGROUND

A. In the spring of 1992, NSF issued a competitive Program Solicitation (NSF 92-24) for Information Services for NSFNET and the NREN (National Research and Education Network) which included, among other activities, registration services for the non-military Internet registration. As a result of that solicitation, NSF awarded Cooperative Agreement NCR 92-18742 to Network Solutions, Inc. (NSI), which required, among other activities, NSI to provide registration services for the non-military Internet registration for the period January 1, 1993, through September 30, 1998, including a 3-month phase-in period and a 6-month unfunded flexibility period.

B. In July of 1997, the President directed the Secretary of Commerce to support efforts to make the governance of the Internet domain name system private and competitive and to transition the management of domain names and addresses to the private sector. The principle purpose of this MOA is to aid DOC with carrying out this mission. Further, all executive departments and agencies were directed "to promote efforts domestically and internationally to make the Internet a secure environment for commerce." NSF and DOC agree that the transfer of the Cooperative Agreement to DOC is necessary to further this objective. NSF and DOC have also determined that DOC will initiate negotiations with NSI regarding the steps NSI will take under the Cooperative Agreement and otherwise to facilitate the development of a private, competitive domain name system as set forth in the Statement of Policy.

III. RESPONSIBILITIES

A. The NSF agrees to:

Transfer immediately ^{a copy of} the official award file to DOC, including all

amendments, addenda, performance reports, financial reports, progress reports, program plans, budget documents and related correspondence. This material will be provided to Joseph Levine, Acting Grants Officer, Office of Executive Assistance Management, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 6054, Washington, D.C. 20230, (202) 482-1370, "jlevine1@doc.gov".

2. On receipt of information about the DOC points of contact under section B.2 below, notify NSI that DOC, as of the date of execution of this MOA, shall assume responsibility for the administration of the Cooperative Agreement. NSF will provide NSI with names, telephone numbers and E-mail addresses of the DOC points of contact for the Cooperative Agreement in the cognizant programmatic, business, and administrative areas.

3. Consult with DOC throughout the duration of this MOA and the Cooperative Agreement, including the negotiations with NSI.

4. Continue to be responsible for the disposition of funds from the Intellectual Infrastructure fund that have been or will be transferred to NSF by NSI as authorized and directed by Sec 8003 of Public Law No. 105-174, 112 Stat. 58, 93-94 (1998).

5. Continue, in concert with the U.S. Department of Justice, to be responsible for any litigation concerning the Intellectual Infrastructure fund mentioned in the preceding paragraph and all other litigation arising from actions of NSF or NSI prior to the effective date of this MOA.

6. Continue to be responsible for audit activities covering the period between the award of the Cooperative Agreement and the date of execution of this MOA.

NSF agrees to provide the results of any such audit to DOC and to transfer the original official award file after the completion of such audit

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B. DOC agrees to:

1. Negotiate, prepare and execute any amendment or agreement, in consultation with NSF and DOJ, regarding the terms and conditions of the ramp down of the Cooperative Agreement with NSI and the other steps NSI will take to facilitate the development of a private, competitive domain name system.

2. Provide Karen L. Sandberg, Division of Grants and Agreements, Office of Budget, Finance, and Award Management, National Science Foundation, Room 495N, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306-1212, "ksandberg@nsf.gov" with the names, telephone numbers and E-mail addresses of the DOC points of contact in the cognizant programmatic, business, and administrative areas for the Cooperative Agreement within three (3) working days

of the execution of this MOA.

IV. PERIOD AND TERMS OF AGREEMENT

A. This MOA will be effective from the date of the last signature and continue in full force and effect through the expiration of the Cooperative Agreement. This MOA may be renegotiated and amended, extended, or otherwise modified through an exchange of correspondence with signatory approval of authorized officials of DOC and NSF.

B. This MOA does not require DOC to obligate appropriated funds in excess of funds available to DOC, or for items of expenditure agreed upon between NSF and NSI prior to the date of this MOA.

C. This MOA may be terminated by authorized officials of either party hereto with 30 days written notification to the other party.

V. AUTHORITY

This MOA is entered into under the authority of the National Science Foundation Act of 1950, as amended, 42 U.S.C. §§ 1861-75, and specifically 42 U.S.C. §§ 1870(c), (j), which authorizes NSF to transfer its legal authority to DOC, and 42 U.S.C. §§ 1862(a)(4), (h), which authorizes the award of Cooperative Agreement NCR 92-18742. This MOA is also authorized by the National Telecommunications and Administration Organization Act, 47 U.S.C. § 901 *et seq.*

This MOA is effective upon signatures of both parties.

For the National Science Foundation

For the U.S. Department of Commerce

By: Aaron R. Asrael

By: Joseph Levine

Name, Title Aaron R. Asrael
Grants & Agreements Officer

Joseph Levine Acting Grants Officer

Name, Title

Date 8/27/98

Sept 9, 1998

Date