

**TESTIMONY OF AMB. DAVID A. GROSS
BEFORE THE U.S. SENATE COMMITTEE
ON COMMERCE, SCIENCE, & TRANSPORTATION
MAY 24, 2016**

SUMMARY

The Internet Governance Coalition is pleased to testify on the important developments in the process to transition key Internet domain name functions to the global multistakeholder community, commenced by NTIA more than two years ago. The transition package, including the accountability proposals, created by the global Internet community is an important milestone for the multistakeholder model of Internet governance and for the Internet as a whole. The progress that has been made regarding these issues is the result of more than two years of hard work by many people and organizations, demonstrating that even complex and difficult Internet-related issues can be resolved successfully through bottom-up, community-driven processes. Since the United States has long been the champion of the multistakeholder process for resolving Internet governance-related issues, this success is very good news for America.

Our review of the IANA Stewardship Transition Plan is rooted in the principles laid out by NTIA at the commencement of this process in March 2014. Recognizing that the U.S. government still must make its careful assessment of the proposals and their implementation, and recognizing there are constructive suggestions for further improvements, we believe that the process set forth by NTIA, and the transition itself, will ensure the ongoing stability and reliability of the Internet. Importantly, we are encouraged that to date the multistakeholder process has worked well and has enabled the companies, technologists, members of civil society, and users to be heard loud and clear. This success should be viewed as illustrating the benefits of policies associated with the elimination of unnecessary government involvement in the operation of the technical aspects of the Internet.

Of course, the potential completion of the IANA Stewardship Transition will not be the end of the road. But the question is not whether challenges will emerge; it is whether the multistakeholder community is robust and resilient enough to deal with those challenges and to help shape Internet policies worldwide. Simply put, it is. So the companies represented by the Internet Governance Coalition not only will stay engaged with the implementation of the IANA transition, but also will remain vigilant in monitoring and participating in Internet governance discussions as they arise in other fora.

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Chairman, Ranking Member, Members of the Committee, good morning and thank you for the opportunity to testify before you today.

My name is David A. Gross. Formerly, I had the great honor of serving in the Department of State as the United States Coordinator for International Communications and Information Policy from 2001 to 2009. During this time, I led the United States delegations to the preparatory meetings and I was the co-head of the United States delegations to both phases of the United Nations' World Summit on the Information Society (WSIS) in Geneva (2003) and Tunis (2005), which, among other things, focused on the role of governments regarding Internet governance and resulted in the creation of the Internet Governance Forum (IGF). Today I am appearing on behalf of the Internet Governance Coalition, an industry-led coalition with broad representation from the communications, Internet, and related industries, including AT&T, Inc., Cisco Systems, Inc., Comcast NBCUniversal, Facebook, GoDaddy, Google Inc., Juniper Networks Inc., Microsoft Corporation, Telefónica, S.A., The Walt Disney Company, Time Warner Cable Inc., Twenty-First Century Fox Inc., and Verizon Communications Inc.

I am pleased to appear before this Committee to testify regarding the important developments in the process of transitioning key Internet domain name functions to the global multistakeholder community. The National Telecommunications and Information Administration's (NTIA) decision to initiate a process leading to the possible transition of the Internet Assigned Numbers Authority (IANA) functions contract to a multistakeholder entity is a critical step toward bringing the economic and societal benefits of the Internet to everyone.

The ICANN Board has taken several important steps to implement the transition, including approving a plan for transitioning control of the IANA functions to the multistakeholder community, and related accountability proposals. That transition package was forwarded to NTIA for review. Last month, the Board also issued draft amended bylaws designed to implement the recommendations in the transition package. The ICANN Board accepted public comments on the draft amended bylaws from April 21 to May 21, which prompted some constructive suggestions for ensuring the bylaws appropriately adhere to the recommendations of the IANA Stewardship Transition Plan. Should the ICANN Board vote to adopt revised bylaws, NTIA will have the entire transition package and be in a position to conclude its assessment. If the transition package is adopted and approved, it will be because of the more than two years of hard work performed by diverse people and organizations, demonstrating that even complex and difficult Internet-related issues can be resolved successfully through a multistakeholder process.

The Coalition believes that a thriving Internet depends on a governance structure that is open, transparent, and representative of all stakeholders. The current multistakeholder model for Internet governance facilitated the historic Internet-driven economic, social, and political development of the past two decades. The decentralized structure of the Internet enabled individuals to access information and services, to connect and to communicate, and to share ideas and knowledge globally. By offering new possibilities for entrepreneurial creativity, the Internet became a powerful engine for unparalleled technological innovation, economic growth and the preservation and promotion of cultural diversity.

Too much government oversight, however, potentially can place these important benefits in jeopardy by hampering innovation and technological development and threatening Internet

growth. United States government oversight of the IANA functions has been a long-standing concern of many in the global community. Yet, in carefully transitioning the IANA functions to a bottom-up multistakeholder entity, the United States is addressing these concerns while simultaneously promoting its core values by affirming our nation's commitment to the multistakeholder model. Those core values have, at their heart, the strong belief that no other government or intergovernmental entity should be able to control ICANN. Indeed, the U.S. Government's role vis-à-vis ICANN has always belied the reality that companies, technologists, members of civil society, and users—not governments in general, nor the U.S. government in particular—have been primarily responsible for ensuring that the Internet's technical functions continue to drive economic and social opportunities around the world. The IANA Transition ensures that this reality is now reflected in the bylaws and procedures governing ICANN. Done properly, the IANA Transition should help to unleash the private sector and others toward greater innovation and improved Internet connectivity and services, all without unnecessary government involvement.

After the transition, the United States is expected to continue to participate actively in the Government Advisory Committee (GAC), one of the important stakeholder constituencies in the multistakeholder model. Accordingly, after the IANA Transition, U.S. interests will continue to be well-represented—an outcome that is good for America and good for the global Internet community.

By ensuring that the principles NTIA identified for the transition are met—which are critical conditions for this process to work successfully—the United States will succeed in creating an environment to maintain the freedom, openness, security, and stability of the Internet we have all enjoyed since its inception. Of course, robust accountability and transparency

mechanisms are necessary to ensure future stability in the absence of NTIA's current role, and these additional mechanisms, contained in the new accountability proposal approved by the ICANN Board, must be in place prior to or simultaneous with the transition.

As this Committee knows from prior testimony, the Coalition supported NTIA's assurance that an acceptable transitional proposal must:

- Support and enhance the multistakeholder model;
- Maintain the security, stability, and resiliency of the Internet DNS;
- Meet the needs and expectation of the global customers and partners of the IANA services; and,
- Maintain the openness of the Internet.

These principles, together with NTIA's critically important, explicit commitment not to accept any plan that could replace its role with a government-led or an inter-governmental organization, are consistent with the Coalition's own policy principles, which also have been the basis of its advocacy before the United Nations, the International Telecommunication Union (ITU), and elsewhere.

The importance of the Internet to U.S. and global businesses, and its social and cultural centrality to people around the world, cannot be overstated. Accordingly, we need to preserve the stability and reliability of the Internet, in terms of both technical decision making and policy making. Changes in the processes of Internet governance—which have helped shape the historic growth of the Internet economy, and the immense benefits that it has brought—are of great interest and concern to the Internet Governance Coalition. That is why, although the Coalition itself has not been directly involved in the process of developing the stewardship transition plan

and accountability proposals, some Coalition member companies have taken an active role and the Coalition has monitored the processes and has been diligent in its review of the outcomes.

In these various fora, the Internet Governance Coalition has stressed that we all—governments, the private sector, civil society, technologists, users, and others—must join together to ensure a safe, secure, open, interoperable, and global Internet as the underlying foundation for sustainable economic and social development. This means promoting policies that stimulate continued investment in, deployment of, and access to Internet networks and the industries and services that create demand for those networks. It also means continuing to support capacity building and assistance on implementation of network security best practices, especially in the developing world.

Policies must support opening and maintaining international markets allowing the seamless flow of legal digital services, applications, products and information. Any actions taken should foster innovation and investment across Internet networks, services, and other sectors of the Internet ecosystem. This includes ensuring both the enhancement of human rights and the protection of intellectual property. Governments can advance these goals by establishing even-handedness and predictability in decision-making, while at the same time encouraging reduced direct Internet oversight and control.

Finally, the Internet Governance Coalition believes in increased and appropriate transparency and openness in intergovernmental organizations and multistakeholder mechanisms, to ensure that all stakeholders can participate meaningfully in key Internet policy discussions. The quality of Internet governance decisions increases when diverse stakeholders actively and consistently participate. Furthermore, this approach is consistent with America's

long-standing policy of unlocking innovation by freeing sectors from unnecessary government oversight.

Recognizing, of course, that the U.S. government still must complete its careful assessment of the proposals, and recognizing that there already are constructive suggestions for further improvements, we are optimistic that the results of ICANN's and NTIA's remaining work will result in a transition that will meet NTIA's conditions set forth two years ago and that should benefit not only global businesses but also all those who seek a more global and ubiquitous Internet. In addition, although the U.S. government's review of the transition proposal justifiably may take time, the Coalition believes these new accountability mechanisms should be put into place promptly regardless of the timing of the overall transition. These mechanisms, a product of the two-year-long multistakeholder process, should help to ensure the ongoing stability and reliability of the Internet as it continues to help the world's people economically, socially and culturally.

Ultimately, the Internet Governance Coalition believes the proposals approved by the ICANN Board in Marrakesh will be good for America, good for American business, good for the Internet, and good for the world. The members of the Internet Governance Coalition believe that it is critically important that the free and open Internet is protected and that ICANN is accountable to the Internet community. Therefore, it is important that any final plan approved by NTIA do these things. Looking ahead, all stakeholders should stay engaged, especially in the near term as ICANN works to adopt amended bylaws and the U.S. government undertakes its review. Continuing improvements to these processes can be made, including with respect to increasing transparency into ICANN's functions and interactions. Such work begins in earnest

next month and ongoing engagement by U.S. businesses and the U.S. government with ICANN as it matures into “adulthood” is essential.

I would like to thank the Committee for allowing me, on behalf of the Internet Governance Coalition, to present our views on these matters of great importance for preserving the fundamental principles that have governed the Internet, and have greatly benefited not only America, but also the world.