TESTIMONY OF AMB. DAVID A. GROSS
BEFORE THE U.S. SENATE COMMITTEE
ON COMMERCE, SCIENCE, & TRANSPORTATION
FEBRUARY 25, 2015
SUMMARY

The Internet Governance Coalition welcomed the opportunity to participate actively in the IANA functions transition process commenced by NTIA last year, and NTIA's affirmation that any transitional proposal must support and address the following four principles:

- Support and enhance the multistakeholder model;

- Maintain the security, stability, and resiliency of the Internet DNS;

- Meet the needs and expectations of the global customers and partners of the IANA services; and,

- Maintain the openness of the Internet.

The principles articulated by NTIA and its explicit commitment not to accept proposals replacing its role with a government-led or an inter-governmental organization, together with those found in the Coalition's submission to the 2014 NETmundial conference, are essential for ensuring that all global citizens are able to take advantage of the Internet's full transformative capabilities, both now and in the future.

Coalition members work closely with other stakeholders in the process initiated by NTIA and coordinated by ICANN. Challenges will continue to be faced in the days ahead, and debates on the best form of Internet governance will remain a focus at future meetings, including the Internet Governance Forum and the UN's World Summit on the Information Society review. While the expiration of the current IANA functions contract approaches, it is most important that the transition process not be rushed, and that NTIA take the necessary time to ensure that any proposals ensure the continuation of a safe, secure, open, interoperable, and sustainable Internet, as well as a transparent and accountable ICANN.

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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 actual 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 coalition with broad representation from the communications, Internet, and related industries, including Amazon, AT&T, Inc., Cisco Systems, Inc., Comcast NBCUniversal, Facebook, Go Daddy, 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 testify on important issues related to the National Telecommunications and Information Administration (NTIA) process of transitioning key Internet domain name functions to the global multistakeholder community. The primary focus of my testimony is to emphasize our firm belief 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 has facilitated the historic Internet-driven economic, social, and political

development of the past two decades. The decentralized structure of the Internet has 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 has become a powerful engine for unparalleled technological innovation, economic

growth and the preservation and promotion of cultural diversity.

We wish to commend the leadership of Assistant Secretary Strickling and the

extraordinary group of professionals at NTIA for their tireless support of the multistakeholder

model of Internet governance. The Internet has been allowed to mature into the global "network

of networks" that it is today, in large part because of the stewardship by NTIA, ably supported

by the Department of State and other federal agencies. Similarly, ICANN has matured

substantially since its inception in 1998, focusing on implementing accountability and

transparency mechanisms and practices, such that it is now possible for NTIA to evaluate and

possibly approve a transition plan for the further evolution of ICANN.

Indeed, as described in NTIA's recent "Report on the Transition of the Stewardship of

the Internet Assigned Numbers Authority (IANA) Functions," as directed by the Consolidated

and Further Continuing Appropriations Act, 2015 Public Law 113-235,[1] the process to develop a

transition proposal already is well underway. An IANA Stewardship Transition Coordination

Group ("ICG"), representing more than a dozen Internet stakeholder communities, has been

established to guide the process to develop a transition proposal. On September 8, 2014, the ICG

issued a Request for Transition Proposals to the multistakeholder community, requesting one

proposal for each of the three primary functions: the protocol parameters, numbering, and

domain name-related functions. The Internet community currently is in various states of

proposal development. The IETF and the five Regional Internet Registries have submitted final

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[1] http://www.ntia.doc.gov/files/ntia/publications/iana_report_013015.pdf

proposals, and a Cross Community Working Group on the domain name-related functions is finalizing its draft proposal. The ICG expects to submit, through ICANN, a final transition proposal to NTIA by the end of July 2015.

ICANN also has launched a parallel process to enhance its accountability to the global Internet community. This process is directly linked to the IANA functions transition process, and NTIA reiterated in its recent Report that both issues must be addressed before any transition takes place. A Cross Community Working Group on Accountability, composed of representatives from ICANN's Supporting Organizations and Advisory Committees, and open to all interested parties, has been established to identify both the accountability measures that need to be in place before the IANA transition as well as measures that should be adopted for the longer term.[2]

We believe that these processes—transitioning the IANA functions and implementing enhanced accountability and transparency—are both critical steps. United States oversight of the IANA functions has long been an issue of concern to the global community. By allowing for the careful transition of the IANA to a bottom-up multistakeholder entity, the United States has affirmed its commitment to the multistakeholder model. Further, the accountability review that is under way must provide ICANN stakeholders additional and robust accountability and transparency mechanisms to ensure future stability in the absence of NTIA's current role, and these additional mechanisms must be in place prior to or simultaneous with the transition. If the principles NTIA identified for the transition are met—which is a critical condition for this process to work—the United States will also succeed in maintaining the freedom, openness, security, and stability of the network we have all enjoyed since its inception.

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[2] https://community.icann.org/display/acctcrosscomm/CCWG+on+Enhancing+ICANN+Accountability

For these reasons, the Coalition welcomes NTIA's affirmation that any transitional proposal must support and address the following four bedrock principles:

- 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 proposal that could replace its role with a government-led or an inter-governmental organization, are consistent with the statement that the Coalition made in its submission to the April 2014 "Global Multistakeholder Meeting on the Future of Internet Governance," also known as NETmundial, held in Sao Paulo, Brazil. A copy of that statement, entitled "Sustaining Principles for Internet Policy and Governance" is attached to this testimony.

To be clear, the principles articulated by NTIA and those found in the Coalition's NETmundial statement are, we believe, essential for ensuring that all global citizens—regardless of their location—are able to take advantage of the Internet's full transformative capabilities, both now and in the future.

Coalition members have been working closely and look forward to continuing to work with other stakeholders involved in the process initiated by NTIA and coordinated by ICANN. But we also wish to underscore the reality of the current international environment: there are great challenges associated with ensuring a safe, secure, open, interoperable, and sustainable Internet that have been faced during numerous international meetings and treaty conferences in recent years. Debates on the best form of Internet governance certainly will be a focus at future

meetings, including the 2015 Internet Governance Forum and the United Nation's World

Summit on the Information Society review, which is scheduled to conclude in December, 2015.

Through these various processes, we must join together to be vigilant to ensure a safe and

open Internet, as well as to ensure that whatever policies and structures are adopted foster

innovation and investment in Internet networks, services, and other sectors of the Internet

ecosystem, including ensuring the protection of intellectual property and the protection of human

rights. We are also resolute that policies must support opening and maintaining international

markets in a way that allows for the seamless flow of digital services, applications, products and

information.

Similarly, policies must stimulate sustainable investment in and deployment of Internet

networks and the industries and services that create demand for those networks. These goals are

best advanced through the rule of law, which governments have the primary responsibility for

advancing, and establishing predictability in decision-making.

Finally, we urge all governments to adopt policies that support increased transparency

and openness in intergovernmental organizations, to promote inclusiveness in existing

multistakeholder mechanisms, and to ensure that all stakeholders can participate meaningfully in

key Internet policy and governance discussions. The quality of Internet governance decisions

increases when diverse stakeholders choose to actively and consistently participate.

We are encouraged by NTIA's and ICANN's commitments to working closely with all

stakeholders to ensure that they develop a transition proposal that fully achieves the goals NTIA

established and that continues strengthening the multistakeholder model. It will be critical that

NTIA continue to engage the multistakeholder community as it develops its transition plan.

While the expiration of the current IANA functions contract is approaching, it is important that

the transition process not be rushed and that NTIA take the necessary time to ensure that any transition proposals ensure the continuation of a safe, secure, open, interoperable, and sustainable Internet. In this regard, we welcome the commitment of Assistant Secretary Strickling to extend the current contract if the global community requires additional time.

I would like to thank the Committee for allowing me, on behalf of the Internet Governance Coalition, to present our views at a time of great importance for preserving the fundamental principles that have governed the Internet. This is a particularly important period in the Internet's evolution, and re-enforces the timeliness of this hearing. We welcome the initiative undertaken by Assistant Secretary Strickling, and we are prepared to join with others in ensuring that the process that has been initiated continues to affirm these guiding principles that have been at the core of the Internet's extraordinary growth during the past two decades.