

TESTIMONY OF AMB. DAVID A. GROSS
BEFORE THE U.S. HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
MARCH 17, 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 just over two years ago. Last week, the ICANN Board voted to approve a plan for transitioning control of the IANA functions to the multistakeholder community. This step, together with approval of the associated, new accountability processes, is an important milestone for the multistakeholder model of Internet governance and for the Internet as a whole. Approval by the ICANN Board is the result of two years of hard work by many people and organizations, demonstrating that even complex and difficult Internet-related issues can be resolved successfully through a multistakeholder process.

Our review of the proposals approved by the ICANN Board is rooted in the principles laid out by NTIA at the commencement of this process. Recognizing that the U.S. government must still make its careful assessment of the proposals, our independent conclusion is that the proposals approved by the ICANN Board meet the conditions set forth by NTIA, and that these proposals will be instrumental to ensuring the ongoing stability and reliability of the Internet as it continues to help the world's people economically, socially and culturally. The Internet Governance Coalition believes that 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. Looking ahead, it will be important for all stakeholders to stay engaged, both in the near term, as the finalization of revisions to ICANN's bylaws and other important implementation activities continue, and thereafter.

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Chairman, Ranking Member, Members of the Subcommittee, 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-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 again before this Subcommittee to testify on the important developments in the process to transition key Internet domain name functions to the global multistakeholder community, commenced by the National Telecommunications and Information Administration (NTIA) just over two years ago. NTIA's decision to initiate a process leading to the possible transition of the IANA functions contract to a multistakeholder entity is a critical step toward making the economic and societal benefits of the Internet available for everyone.

Last week, the ICANN Board voted to approve a robust plan for transitioning control of the IANA functions from the United States government to the multistakeholder community. This step, together with approval of the associated, new accountability processes, is an important milestone for the multistakeholder model of Internet governance and for the Internet as a whole. This is an important and significant event. Approval by the ICANN Board is the result of two years of hard work by many people and organizations, demonstrating that even complex and difficult Internet-related issues can be resolved successfully through a multistakeholder process.

The importance of the Internet economically to U.S. and global businesses, as well as socially and culturally to all the people of the world, cannot be overstated. It is essential that we preserve the stability and reliability of the Internet, both in terms of 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 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.

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 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.

United States government 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 is simultaneously addressing these concerns and affirming its commitment to the multistakeholder model. After the transition, it is expected that the United States will continue to participate actively in the Government Advisory Committee, one of the important stakeholder constituencies in the multistakeholder model. 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 also 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.

Specifically, the Coalition has supported NTIA’s commitment that the 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 proposal that could replace its role with a government-led or an inter-governmental organization, are consistent with the Coalition's own policy principles, which have been the basis of its prior testimony before this Subcommittee and its advocacy before the United Nations, the International Telecommunication Union, and elsewhere. In these various fora, the Internet Governance Coalition has stressed that we all—governments, the private sector, civil society 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.

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, including ensuring both the enhancement of human rights and the protection of intellectual property. These goals are best advanced through strengthened rule of law, which governments can advance greatly by establishing even-handedness and predictability in decision-making.

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 choose to actively and consistently participate.

Our review of the proposals approved by the ICANN Board in Marrakesh is rooted in the principles laid out by NTIA at the commencement of this process. Recognizing, of course, that the U.S. government must still make its careful assessment of the proposals, our independent conclusion is that the proposals approved by the ICANN Board meet the conditions set forth by NTIA, and that these proposals will be instrumental to ensuring the ongoing stability and reliability of the Internet as it continues to help the world's people economically, socially and culturally.

We are comfortable, especially, because we see no increased probability of the IANA functions being controlled or coopted by foreign governments or intergovernmental organizations in the proposals. Indeed, while the U.S. government review of the transition proposal may justifiably take time, the new accountability mechanisms should be put into place promptly regardless of the timing of the overall transition. The multistakeholder discourse that took place regarding the accountability processes was important, regardless of the final timing or result of the stewardship transition.

Ultimately, the Internet Governance Coalition believes that 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. Looking ahead, it will be important for all stakeholders to stay engaged, especially in the near term as the finalization of revisions to ICANN's bylaws continues. This process should not and does not conclude with the approval and implementation of the present stewardship transition plan and accountability mechanisms. Continuing improvements to these processes can be made, including with respect to increasing transparency

into ICANN's functions and interactions. Ongoing engagement by U.S. businesses and the U.S. government with ICANN, especially as it matures into "adulthood," is essential and evidences the significant value of the Internet and seamless flow of information to the United States and the global economy.

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.