
DUBLIN – Transition Perspectives: From an Internet Pioneer and the US Congress

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THERESA SWINEHART: So welcome, everybody. And thank you for coming to this event. I know that for many of us, the ICANN meeting actually starts three or four days ago and that now we're actually looking forward to getting it kick started on Monday. But this event is always nice on a Sunday evening.

So we have a few things lined up. But at the beginning, let me introduce Ira Magaziner who is going to make some remarks. He's also willing to take a couple of questions afterwards, just to tee that up in case anybody has any.

I think as many know, Ira was with the White House, he was senior advisor for policy development at the time when ICANN was originally formed. And so with that comes a lot of history and a lot of involvement. And he's been following some of the discussions here obviously, and he is also an advisor to the CCWG on the accountability process and has been coming to several of the events. So we look forward to Ira's remarks.

And then with that, we'll be turning it over to Jamie Hedlund, my colleague, to be moderating a panel up here on the podium.

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So, Ira, if I may.

IRA MAGAZINER:

Thank you. I thought I would start by recounting my first encounter with Ireland which occurred 12 years before I ever set foot in Ireland.

I was a student at Oxford. I was a scholar in the fall of 1969. And during my first week in classes, I noticed that there were two very imposing large men in perfectly tailored business suits who were following me around. They were there in the morning when I left my dorm. They were there when I came out of every class. And they were sort of walking about 50 feet behind me.

And, finally, after this had gone on for a number of days, I started to try to approach them. And they moved away very quickly and I couldn't catch them.

The next morning I came out of my dorm and there was a car waiting and these two men came out. And they put their hands on either of my shoulders and said, "Get into the car." Now I'm a 21-year-old kid at the time. And then they showed me the badge that said they were from the special branch of the police force in the U.K. which is equivalent, I guess, of our FBI in the United States. So I got in. I had no choice. I was thinking, what do I do? I had been involved in the some civil rights demonstrations in

the United States and so on, but I couldn't figure out what they were doing.

They took me to a room, an interrogation room. And somebody else came in the room and banged the table and said, Where's the printing press? And I kind of looked and said, What printing press? I don't know what you are talking about.

And then the other one said, You are not getting out of here until you tell us where the printing press is.

Finally, to make a long and very difficult day short, it turned out that somebody at Oxford University had noticed but had misread something. At the time, the Irish Republican Army had conducted some bomb blasts in London. So there was a heightened state of security in London. Somebody had reported that there was somebody getting mail to "IRA Magazines."

[Laughter]

So they, basically, thought that I somehow was publishing an R.A. magazine and inciting people to explode bombs.

And when I told them, No, no, you got it wrong, my name is Ira Magaziner. Has nothing to do -- at first they didn't believe me, I guess. It's not a common name. But, anyway, that was my first experience.

I tell that story because when I think back to those days -- it wasn't that long ago -- what was the mode of communication? It was typewriters that if you made a mistake on a letter you had to put a little piece of white chalk in there and type over it to sort of correct your mistake. There was not even electronic typewriters.

There was IBM 360s which, you know, took forever to do whatever you do with them. And there were mimeograph machines and printing presses. And that was it. And if I look ahead then 20 years from then, we began to have personal computers. And then we had the Internet a couple years later.

And the changes -- and there wasn't even printers in the days when I went to college.

Now, if I look at the changes since the mid '90s when we did our initial work, they are as dramatic as the changes that took place from the mimeograph machines to the Internet. And what I want to just really -- and I did this at the Singapore meeting when we first kicked off these processes, but let me do it again -- that President Clinton had asked me to head a cabinet task force in 1995 to figure out what he could do if he were to be re-elected in 1996, which he was, to help keep the good economy going.

And we had a list of about eight things to look at. And at the end of the first couple of weeks, we decided to focus completely

differently. We said, Look, if you look at economic growth and what fuels economic growth long-term, it's new technologies that spur new whole industries.

And the Internet, which had -- you know, the World Wide Web was only a couple years old at the time. But the Internet offered the promise of stimulating the global economy in a way that nothing had. And then beyond that, we also identified the sequencing the human genome and the impact that could have on biotechnology and then also renewable energy as three major technology areas. But the Internet we felt was coming along first.

And that if we could put in place a set of processes that made it market friendly for the Internet to develop, for people to invest and a set of agreements globally that made it friendly, the Internet to take off as a commercial medium, we felt we could really help stir the economy. And we wrote a report called the emerging digital economy which predicted that the digital economy could grow at ten times the rate of the regular economy, or at about 30 or 35% a year.

But what I also found -- and the President and the cabinet said, Go ahead and try to do that. That sounds like it's worth doing.

And when I first started within my first week or two in the job, I got phone calls from a whole group of people. And among those

phone calls, the head of the Defense Advanced Research Project Agency in the United States, called DARPA, called and said, Look, we're letting the contract to a guy at the University of Southern California to coordinate the numbering system of the Internet, the IANA. And we want out of it. There's lawsuits. And the head of the University of Southern California, the President of the university called and said, We don't want any part of this anymore. We're being sued by five different groups. In fact, when we looked at it, there are over 50 lawsuits working their way through courts all around the world challenging the way the Internet handed out names and numbers.

And the Commerce Department was then letting out the contract for domain names to a company called Network Solutions, which was later bought by VeriSign. And Network Solutions, the heads of that company, didn't like -- nor were they liked by Jon Postel who ran out at USC. They weren't talking to each other.

And then all these lawsuits were going on. And I got visited by a number of companies who said, look, we would like to invest in the Internet. We think there is real potential there, but there is just no predictable environment for it. And so at that point, we then formed a framework for a global electronic commerce report. And within the course of about a year and a half, we negotiated a number of international treaties with E.U., Japan,

Australia, and others to keep the Internet free of tariffs and also to protect copyrights on the Internet and also to recognize digital signatures as being legal in all of the countries in a common format.

And we also passed major pieces of legislation in the U.S. Congress to allow for the Internet to take off, the Internet Tax Freedom Act, so we kept taxation off Internet commerce. We passed something that allowed for Internet telephony not to be regulated by the Federal Communications Commission so that Internet telephony could grow up in a market-driven way.

Passed legislation to protect the copyrights and ratify the treaties for digital signatures.

And it was a time in Washington, I would say, that was as partisan and divisive as the time we have today. In fact, there had been a government shutdown in a dispute between the White House and Congress and -- the Republicans in Congress. It was leading up to an attempt to actually impeach President Clinton by Republicans in Congress. So it wasn't exactly the friendliest environment.

But we managed to keep the Internet legislation out of that politics. And every bill we sponsored had leading Republican support as well as Democratic support. Newt Gingrich, who is a leader of the House, Republicans; a guy named Chris Cox on the

tax committee; in the Senate, Orrin Hatch who was involved with copyrights; and Spencer Abraham who was involved with digital signature and so on. And every vote we had passed with 70 or 80 votes in the Senate out of 100 and 2/3 in the House.

And so we were successful in getting this done. And we kept it under the radar. In fact, we even asked President Clinton not to talk about it in his speeches or in the State of the Union speech because if he did, we feared it would become partisan, that people would feel they had to attack it; that he shouldn't take credit for this. It should be something done across the whole government. And it worked.

And at that time, we also went through the process to form what eventually became ICANN because we needed a vehicle that could be global. And, remember, at this time, there were more people on the Minitel in France, which was a local French version of connectivity, than there were in the whole Internet globally. So the Internet was still very small.

But we felt that there needed to be some market-driven quickly moving vehicle that could embody the marketplace and the multistakeholders in the Internet but be recognized by governments so that legally they could withstand legal challenges to what they were doing.

And after comment process and so on, in a year and a half, ICANN was born from that process. And it was the first of its kind organization in the world where you had a private non-profit organization recognized by governments with governments playing an advisory role.

Now, we did that because we felt that even though we were supporters of the United Nations overall that the Internet needed to be market driven. It needed to be bottoms up. It needs to be democratic. And it needed to move quickly.

And even though it may seem to you that the processes that you're going through to make decisions on the transition are slow, the typical decision-making at the International Telecommunication Union takes about eight to ten years. So if you are taking a year and a half, that's pretty fast compared to normal global decision-making.

And so we felt that the Internet would be better driven as a multistakeholder model, market driven, than to have it be a multigovernmental body. And also we felt that governments weren't the only stakeholders here. So while governments were crucially important and should be at the table, they shouldn't be the only ones at the decision-making table. So that's how all this was born.

And ICANN started. And if I look back again as somebody who then went out of it because I felt that having been behind the creation of it, it would be wrong, it would be like a conflict of interest to try to stay involved. And so I pulled back and did other things with my life.

But as I look back now on the history of it and I started to become involved again in Singapore when this process first started -- because we had originally recommended that eventually the U.S. government should give up its stewardship and that the community as a whole should hold the ultimate accountability. That was the recommendation we made back in 1998, although we recognized it couldn't happen immediately. It would have to take time for ICANN to prove itself and become strong.

Now, if we take a look at this from somebody as a layperson, look what's happened to the Internet, right? I mean, the numbers of users have gone up orders of magnitude: Numbers of domain names, numbering, hundreds of languages, WiFi, global devices. Now we are getting to the Internet of Things. And remarkably, remarkably, you never read something about the Internet failing technically to accommodate all that unbelievable growth and all that diversity.

You never read about it. Why? Because of the people that are attending this conference and the people that preceded them. The people that run the basic activities, the technical activities and technical coordination of the Internet, have been able to keep up with all these amazing changes that have occurred and all this amazing expansion. And the Internet continues to run seamlessly. That's remarkable in the space of 20 years. And ICANN (inaudible) in 17 years. It's remarkable that this happened.

So let me just conclude what I wanted to say by saying I've observed this process now for the past 18 months or so and I'm very optimistic now. As often with consensus-making processes, it's had its ups and downs and people yell at each other. The Internet community is not known for shy people. And so, you know, there's a lot of strongly held views, a lot of arguments, a lot of distrust. It's also not a community that lacks paranoia at times. So there's a lot of back and forth which has been healthy, I think.

But there has been a bottoms-up process with comments, with lots of people involved and I think it's 98, 99% of the way there now to achieving a consensus.

I think over the coming days, some people who have strongly felt positions, particularly on the accountability issues and so

on, are going to have to be willing to modify those positions some. But I think if the history of the consensus process holds, they'll do so; and we'll get a common proposal that I hope will come in a matter of days but certainly not too much into the future. And then at that point, the community will write up a good cogent document that it can present to the U.S. government to hopefully follow through in the transition. And the gentlemen who will be coming up to the stage after me will talk a bit about the process from there.

But I'm very hopeful that the consensus is just about there. I congratulate the committee chairs and others who have worked on this. It has been a monumental job to navigate all of this through and get it to this point of consensus. And I think they will finish the job in the coming days. And I'm very optimistic about that.

I'm also optimistic -- I had a very brief chance to meet with some of the staffs. And I'm also optimistic that there is a bipartisan spirit in the U.S. Congress about this. And I'm hopeful that it will avoid the kind of politics that are swirling around and that this will be able to follow through on its merits.

Let me just finish by saying that I think what's happening now is historic. If you look back at the way society's evolved, you know, from going to hunter-gatherer economies to farming and

husbandry economies, going to industrial economies, those major transitions in human history going back 8,000 years have all been accompanied by changes in governance, changes by the way societies function. And although there's always two steps forward, one step back, you see increasing democratization as being evident at each stage. And you see that progress always has some cost to it but that the technical progress always leads to human progress and human freedoms, increases in human freedom, increases in the ability of people to realize even more human potential.

The Internet revolution that we're going through now is as fundamental as the industrial revolution in remaking human society. And the governance model that you all have been evolving now for the past however many years, 16, 17 years, is going to, I think, form a paradigm for models in the future of how democrat, bottoms-up, multistakeholder processes can coordinate for human good.

And so I think the work you're doing now is historic. I'm history so I'm not going to be involved directly in it. But I congratulate you on the progress you've made. And I urge you to get to that final point of consensus in the coming days and then to follow it through. I think it's a tremendous achievement and something you will always be very proud of. Thank you very much.

[Applause]

I could take a question or two if anybody has it. At the end of the day on Sunday is not always the greatest time for alertness and interest. Does anybody have any questions? Okay.

All right. Thank you very much.

[Applause]

JAMIE HEDLUND:

All right, thank you. Welcome to the second half of today's program: Perspectives on the transition from Capitol Hill.

I'm Jamie Hedlund. I'm responsible for ICANN's relationships with the U.S. government. Right now I would like to briefly introduce the panelists, and then we can move quickly to the discussion.

So immediately to my left is Jeff Farrah, who is counsel to the U.S. Senate Committee on Commerce, Science, and Transportation where he advises Chairman John Thune and Republican members of the Committee on Communications, Technology, and Internet policy.

Previously, Jeff served as general counsel to U.S. Senator Scott Brown advising on international trade, telecommunications, intellectual property, technology, and sanctions.

Before joining the Senate, Jeff was an attorney at a leading Washington, D.C. law firm specializing on international trade matters.

Next to Jeff is John Branscome. He's senior counsel to the U.S. Senate Committee on Commerce, Science, and Transportation. Previously he served at the U.S. Federal Communications Commission as deputy chief of the agency's Wireline Competition Bureau.

He also previously served as counsel for communications and intellectual property matters for U.S. Senator Amy Klobuchar. Prior to joining the FCC, he worked as associate at a law firm in Washington, Wilkinson Barker Knauer.

Next on the House side, David Redl is chief counsel on the majority staff of the U.S. House of Representatives' Committee of Energy and Commerce. In this role, he is a principal advisor to the chairman as well as the subcommittee chairman on communication and technology matters.

Prior to joining the energy and commerce committee staff, he served as a director of regulatory affairs at CTIA, the wireless association, an international trade association of the wireless communications industry, where his work focused on policy issues involving wireless technology, spectrum, broadband, and regulatory mandates.

Finally, we have David Goldman, who has been the chief counsel for the U.S. House Communications and Technology subcommittee since January 2015. Before that he served as senior legal advisor for FCC Commissioner Jessica Rosenworcel. Prior to serving on Capitol Hill, David served in a number of positions at the FCC, including in the office of former chairman Julius Genachowski.

Before that, he served as a staff law clerk at the U.S. Court of Appeals for the 7th Circuit in Chicago. So those are our panelists.

The format will be as follows. I will ask questions. They will be jump balls. So anyone on the panel can answer them. And if we have time, we'll have Q&A at the end.

All right. So first to talk a little bit about history and background. The first question, why and since when does Congress and your committees care about Internet governance in general and the IANA stewardship transition in particular.

DAVID REDL:

I guess I'm happy to lead off. I mean, as we heard from Ira before this, Congress has been involved in Internet governance since the beginning, so it's no surprise that at this juncture when

the IANA transition is being considered that we are involved once again.

On this go-round we got involved late in the 113th Congress, which was last year, and started off at the very beginning of the IANA process with the first cut of what became the DOTCOM Act, the Domain Oversight Through Continued Oversight Matters Act. Very early on in that process it was a bill borne out of the number of questions that members of the Energy and Commerce Committee had about the IANA transition and what it would mean, particularly for U.S. domestic interests. We held a number of hearings on the issue and we had a lot of back-and-forth, very good back-and-forth, with both ICANN and NTIA and with stakeholders that are part of the process that we've all seen play out over the last year or so. And ultimately that led this Congress to a revision of the DOTCOM Act, and I was happy to work with my colleague, David Goldman, who sits on the other side of the aisle from me, to come up with a version of the DOTCOM Act that passed the House earlier this year. It actually passed while we were all in -- well, a lot of us were in Argentina for the last ICANN meeting with 378 ayes out of the 435 House members. So Congress has always played a role in this process. We're continuing to do so, and we're really pleased with the progress we've made so far on the domestic issues within the legislative branch.

JAMIE HEDLUND: Could either -- any of you talk a little bit about Congress' involvement in global Internet governance? So apart from the IANA transition, other issues involving Internet governance more broadly.

JOHN BRANSCOME: Well, I mean, certainly, you know, we have taken an interest over the past few years. We were in WCIT together. We were in Dubai together. So, you know, certainly international Internet governance issues is something that's important to our members. And -- other than the IANA transition. We have taken a role. Is that your question?

JAMIE HEDLUND: I was hoping you might talk a little bit about the sort of the bipartisan support for any particular position on Internet governance.

JEFFREY FARRAH: Let me just say with regard to the IANA transition for the Senate's purposes it started with an oversight letter from Chairman Thune and 34 other Republican colleagues and then at the beginning of the 114th Congress, Senator Thune got

involved with the accountability work stream to try and back specific proposals and then ultimately we had an oversight hearing, which Assistant Secretary Strickling and Fadi Chehade testified at and then we ultimately moved the DOTCOM Act through our committee.

DAVID REDL:

Jamie, to get to your point about bipartisanship on a number of issues, we've also, beyond the IANA work that's been done, there have been a number of other things in global Internet governance. John mentioned the work that both our committee and the Foreign Affairs Committee in the House did on ITU work to stay involved in what's going on in the ITU sectors as part of their discussion of issues that are tangential to Internet governance, right? The availability of spectrum for radio services that access the internet, the work that's done on the ITU-T side to deal with lending licenses and those sorts of things. And that has always been a bipartisan effort as well on Capitol Hill. And then more recently, you all got to be the receiving end of other areas of our interest when ICANN rolled out the gTLD program. Which was also an area where we all worked together on the -- in the House at least, and I don't -- try not to speak for the Senate, but in the House, between House Energy and Commerce and House Judiciary on making sure that that went

forward in a process that comported with what the legislative branch believed was the best efforts for the U.S.

JOHN BRANSCOME: But I will add, just on Internet governance issues, it is amazing that at least the House and the Senate Democrats and Republicans have always spoken with one voice in support of the multistakeholder approach to international Internet governance, so I think --

JAMIE HEDLUND: Yeah, that was what I was -- because I know at ICANN we've been, you know, huge supporters of that.

JOHN BRANSCOME: And the four of us disagree on quite a lot of things domestically, but this is one issue which is actually quite nice that all our bosses are actually united.

JEFFREY FARRAH: I would say it's if not the least, one of the least contentious issues for our committees.

DAVID GOLDMAN: Yeah, I could say in my experience, being here since January, when we have hearings dealing with these issues, if you didn't see where people -- where the different members were sitting physically in the room you wouldn't know which side of the aisle they were on. It's been uniform and everyone has been working together. It's been great.

JAMIE HEDLUND: All right. Terrific. Okay. So next question, explain if you can your committee's relationship to NTIA, who's obviously a big player in all of this.

JEFFREY FARRAH: Both of our committees are the so-called authorizing committees for the Department of Commerce and NTIA, and so we have a general oversight role over NTIA.

DAVID REDL: That means -- as a practical matter, that means, you know, NTIA's governing statute, the NTIA Organization Act is -- was promulgated are by our committee, it is amended by our committee when there's amendments made in the Congress, and we regularly conduct oversight over their activities. So we have a very good working relationship with NTIA. It's only strengthened by trips like these where we have a chance to

coordinate with them on a -- as U.S. citizens, not necessarily legislative branch versus the executive branch of the U.S. government. And so in general we've -- we've -- despite the fact that we are, you know, often portrayed as their overseers, we have a very collaborative and collegial relationship with NTIA.

JAMIE HEDLUND:

All right. You mentioned the DOTCOM Act, somebody mentioned the DOTCOM Act earlier. There's a number of bills that have been floated in this Congress, last Congress, dealing with the transition, including the DOTCOM Act, including a spending bill that would seek to block the transition from taking place. Do you have any perspectives on any of these bills? Do you think any of them will have an impact or could have an impact, will have an impact?

JEFFREY FARRAH:

I think you generally find authorizing committees prefer to do the business that's within the sphere of that committee. And so our reference would be to conduct oversight and, you know, speak from a congressional perspective through items like the DOTCOM Act, whether than through policy writers.

JAMIE HEDLUND: Just so people understand, authorizing meaning authorizing the work of the Department of Commerce, of actually creating the policies as opposed to the committee who is make spending decisions.

JEFFREY FARRAH: Correct. So the Energy and Commerce Committee and the Senate Committee are the two authorizing committees, and our view is that those are the appropriate committees to be speaking on these issues. There are times when the Appropriations Committees need to get involved, but certainly at this juncture we think we're conducting a significant amount of oversight, as I mentioned through letters, hearings, the DOTCOM Act and of course several of us here at this meeting, and so we feel as if we're doing what needs to be done.

DAVID GOLDMAN: Yeah, I think to -- just to explain for anyone who doesn't know, it's generally -- there are two different meetings that can deal with an agency. There's the one that deals with the -- the authorizing committee that deals with the policy and then there's the other committee that deals with the money. And in our view, I think, as the people who we think distribute the policy, we don't normally like it when the other committee comes in and tries to use money to enforce their policy that they

want. So I think from our perspective, I can speak for the members I work for, we see the DOTCOM Act as an alternative to anything that was going through the appropriations process.

DAVID REDL: Yeah, the authorizing appropriating relationship was once described to me when I got to the Hill as the authorizers define the cup and the appropriators tell you how full to fill it. And in this case sometimes the appropriators decide the correct fill level is zero. I've --

DAVID GOLDMAN: I've got to say, they wish they had our jobs.

DAVID REDL: Well, of course. But the reality is, you know, obviously .COM was originally a product of Energy and Commerce, so I will say we feel some pride of ownership for our members in that bill. We're very proud of the way it turned out in the House and the vote that we had, and so that is obviously our preferred course.

JAMIE HEDLUND: So for Senate staffers, any willingness to handicap the chances of .COM getting out of the chamber?

JEFFREY FARRAH: We're certainly working very hard to effectuate that.

JAMIE HEDLUND: Okay, great. Okay. Jeff, your boss and Senator Brian Schatz, both original Senate co-sponsors of the DOTCOM Act, recently sent a letter to ICANN chairman Steve Crocker. And I don't know that everyone has seen it here, but I was wondering if you could - - I mean, you mentioned the letter that your boss and Senator Rubio sent back in what was it July of 2014. You've stayed interested in this the whole time. What are the -- what are -- should we take away as the main messages from this, your most recent letter?

JEFFREY FARRAH: Well, Chairman Thune has been involved and up to date on this process throughout, and giving the timing of what's going on with the transition and the discussions he felt like this was an appropriate time to try and again state what he would like to see out of a transition. And that is to have a bottom-up process that results in robust and significant accountability reforms and that guards against government capture. Those are the types of things that he'll be looking for and that I believe a lot of members of the Senate will be looking for when a -- when a proposal is ultimately put forward. And certainly on this issue of government capture, it's been something that he has been -- has

been weighing on his mind for the entirety of the transition. You mentioned in 2014 he and Senator Rubio weighed in on specific reforms, and it was at that time that he said that he wanted to see it in the bylaws that only GAC advice by consensus would be considered by the board. That is certainly something that we'll be actively watching those proceedings.

JAMIE HEDLUND:

You anticipated my next question which is, what do you all hope to see in the final proposals to the extent that your --

DAVID REDL:

I'd certainly reiterate what Jeff said. My boss has also felt very strongly and we've said it at many of our hearings that there are sort of a couple of things that we want to see out of this. One is we're going to want to see compliance of the NTIA criteria. And recently, as a result of the process that started in the 113th Congress, we got a report back from the U.S. government accountability office that discusses sort of the domestic policy aspects of the IANA transition. And one of the recommendations they made was that NTIA have a process in place that can be looked at and scrutinized for how they're going to analyze this. My understand is that NTIA is in the process of doing so, which review is a really positive development.

JAMIE HEDLUND: So using a really standards-based review methodology for evaluating the proposal.

DAVID REDL: Yeah. So, I mean, we're really hoping to see a rigorous analysis of whatever proposal is put in front of NTIA. I would again reiterate what Jeff said about the role of consensus in the GAC. If we are talking about a multistakeholder system, then we have to actually be talking about a multistakeholder system where only those groups that have produced consensus are able to bring something up. That's a very important aspect for us as well.

DAVID GOLDMAN: Yeah, I think I could say -- I mean, the point -- just to follow up on the point about consensus, I think that that's completely consistent with the positions that the Democratic members in the House have taken so far. I think what the members that I work for, I think what they'll be looking for is that it's -- what we get back is something that still supports multistakeholder approach, has broad consensus, and definitely has -- I mean, strong accountability is going to be very important to everybody.

JOHN BRANSCOME: I would associate myself with the remarks of my colleagues. I think we're fairly united on that, right?

JAMIE HEDLUND: All right. Okay. So last question. It's sort of a hypothetical. Let's say we get to the end of this process, the proposals are submitted to NTIA -- well, sorry, the proposals go through the chartering organizations, they get approved, they go to NTIA, NTIA finds that they meet the criteria, and then sends them up to -- to Congress for approval, and let's say that for whatever reason there's concerns about the proposal, like the Congress -- someone thinks that there's a potential for capture, for example. If that were to happen, what do you -- do you have any sense of what Congress could or would do if --

DAVID REDL: I mean, I think that's why we're here is that we want to be involved in observing this process and coordinating and working with NTIA now and when we're at the (indiscernible) and certainly since they've announced the IANA transition. We're hoping to avoid at all costs that happening. And so I would be hard-pressed to imagine that we could get all the way through the process here in the multistakeholder system, the process of

review at NTIA, and just then have these issues come up. Being involved at this stage means that we're being heard. And we've - - we're seeing that play out. The things that our bosses have raised in hearings are being addressed. You know, a lot of the stress tests that are being done as a part of this process were things that were raised in hearings at Energy and Commerce and at Senate Commerce. And so I can't imagine that hypothetical coming to fruition. I think if there's going to be some concern from members of Congress, there's certainly plenty of time between now and the time that a proposal is out the other end of the NTIA process for concerns to be aired.

JAMIE HEDLUND: That's great to hear. I mean -- go ahead.

JOHN BRANSCOME: I would agree with that. I mean look, we are in close contact with NTIA. We are attending these -- we're over here with you guys, right? So I think we will keep -- I don't think we would be surprised by anything. I guess to the larger community I would challenge all of you to work really hard to come together to present a plan that Congress cannot disagree with.

JAMIE HEDLUND: All right. Thank you very much. That's all for my questions. We've got time for a handful of questions. There are mics in the aisles, if anyone has any burning questions on a Sunday evening.

UNKNOWN SPEAKER: I have a quick question. My name's Killian (phonetic) from Dublin. How much of the bipartisan atmosphere and environment is down to ignorance from the legislators? What I mean by that is that perhaps -- I'm speculating here that one of the reasons that there has been agreement on the internet is because the politicians don't understand what it is.

JEFFREY FARRAH: I don't think that's the case with the committees of jurisdiction. I mean, certainly we've spent a lot of time educating the membership of our committees about what ICANN is and what it isn't, what multistakeholder is and isn't. And so the members of our committees are very well informed on both sides of the aisle. I'll admit once you get out past the committees of jurisdiction perhaps the understanding falls off a little bit, but that's frankly true of any issue.

DAVID REDL: That's frankly the reason for the committee system, is so that members with jurisdiction over the issue can get educated on

the issues and present a straightforward process for getting there. To double back on what I said, that's why we're here. I mean, we're here to help our bosses. Our bosses can't be everywhere, unfortunately. So we're here to help make sure that we see what goes on here and report back to them what's happened.

DAVID GOLDMAN:

I'd also say -- that's also -- we've had a number of hearings, at least in our subcommittee, on this where we bring in very educated witnesses. Fadi's been there a number of times. Larry Strickling has been there a number of times. And the way those hearings have been going, they're not partisan showcase affairs. They are educational, and the members have been very interested and dig into the issues, and I think they're fairly educated.

DAVID REDL:

And for that matter, when we've brought in witnesses for hearings, it's not just, you know -- don't get me wrong. We like Assistant Secretary Strickling and Fadi well enough, but we've also brought in stakeholders. We had Intel at a hearing. ISOC has been at a number of our hearings. We've had -- we've had groups that are all part of this process come in to speak directly

to our membership and tell them exactly what's going on, exactly what they should care about so --

JAMIE HEDLUND: Yeah, it would make my life a whole lot easier if there was more ignorance, unfortunately. Anyway, any other questions? Sorry, yes, sir.

UNKNOWN SPEAKER: I've got two questions for you guys. The first is, how concerned are your bosses with the possibility of the Ted Cruz amendment to the DOTCOM Act which would require prior approval by Congress getting included in the legislation that finally comes out of the Senate/House reconciliation process. And my second question is, again what are your feelings or can you express what you think your bosses' feelings are with regards to the probability of this whole transition effort getting sucked in up into the vortex of the 2016 election cycle, given that at least two of the Republican potential candidates have come out in opposition of this so far?

JAMIE HEDLUND: Two questions. One, Cruz amendment; two, the interaction between the proposals and the presidential campaigns.

JEFFREY FARRAH:

With regard to Senator Cruz's amendment, Senator Cruz is a member of the Commerce Committee. And he worked through our markup process to offer an amendment in good faith, and I think that Senator Thune certainly acknowledges some of his concerns. And he went through the process, offers an amendment. That amendment ultimately failed.

And the amendment -- the version that was reported out of our committee was identical to the version of DOTCOM that passed the House of Representatives. That's the version that we will be trying to pass and have been trying to pass.

With regard to the 2016 election, I assume you are referring to Senator Rubio and Senator Cruz. Senator Cruz has some concerns about the IANA transition. And certainly those are well-publicized.

I think Senator Rubio is not quite in that position. I don't want to characterize his position too much. But he has certainly been involved in a lot of Internet governance issues going back to the 112th Congress.

So how much it gets caught up in the 2016 politics? I don't know. There is no shortage of issues that are out there for people to talk about. So we will have to wait and see.

JAMIE HEDLUND: All right.

CHRISTOPHER WILKINSON: Good afternoon. Christopher Wilkinson. Thank you for your wisdom and your remarks. Historically, I was partly responsible for the present balance between the multistakeholder system in ICANN and including the government's advisory role. Basically, I set this up in Europe with Ira Magaziner in the United States at the time.

All I would like to say is that from what you say, some of your members are being unnecessarily alarmists about government capture. That is not the issue.

Yesterday, Fadi gave a lecture about including capture. The problem of capture is multistakeholder. You've got to have a balance throughout the system, throughout the organization, including commercial and industrial participants.

So please cool this down. There is no risk of government capture. There is a very healthy balance between governments and the rest of the multistakeholder system and that should continue. And I ask you to support it.

DAVID REDL: I just in response would say I think we are all in agreement with you, that we think the system -- the balance that exists now between governments and other stakeholders in ICANN is an appropriate balance.

And I wouldn't characterize my bosses as alarmists because I would lose my job. But besides that, I think there's real concern; and that concern should be addressed. And I applaud everyone in the multistakeholder community for the work they are doing to address those concerns, founded or otherwise.

JAMIE HEDLUND: Thanks.

Steve.

STEVE DelBIANCO: Thanks. Steve DelBianco with NetChoice and a member of the cross-community working group. And I have been privileged to be a witness to some of the hearings that you've held. And I want to certainly correct any perceptions in this room that judging by the questions asked by your bosses that there's a lack of awareness because I would encourage anyone to attend a meeting or two with congressional staff as they drill into hundreds of pages of detail and ask every witness a lot of questions long before the cameras are running in the hearing

room. And the report language that these gentlemen put together to support everything that comes before their committees reveals an in-depth understanding of the Internet that I would challenge any other government to match.

And this is despite the sketchy reputation we have in America having a Congress that can't get anything done. But I'm glad to say that when we do something, we seem to do it rather well in the case of what you guys have all done. So I applaud your efforts and acknowledge how hard it was for you to stay focused and to avoid ladening the DOTCOM Act with specific little fixes or tweaks or whatever special interests that may have come to you and asked, "Can't you just put this in?"

To your credit, you have resisted all of that. The DOTCOM Act is so clean, and it endorses NTIA's requirements verbatim. And then it says to the community, We back the community. If we come up with consensus recommendations for the transition as well as the accountability part, well, then Congress is in a position to endorse the transition. That's the most help you can be.

And, finally, on the notion of capture, you don't know how right you are worrying about capture. But it's not necessarily some notion that governments will take over. But it's the notion that if the governments change the way they make decisions -- and

they're allowed to do that -- well, then these new advice that come over would embroil ICANN into trying to work out a mutually acceptable solution between some governments who were for the advice and a whole lot of other governments who were against it.

So it's a disaster thing to put ICANN's board in a position of negotiating between governments who have sovereign powers and want to have their interests respected. I think it's very wise to pay attention as you have of avoiding in a situation where if governments move to something less than consensus, that their contentious opinions don't embroil ICANN or capture ICANN into a process of working out a negotiation among governments.

ICANN doesn't do that. Maybe the U.N. does. So let them worry about that. But don't make ICANN into a mini U.N. to work out differences among governments. Thank you again for all your effort.

JAMIE HEDLUND: Thanks.

DAVID REDL: I'll respond a little bit. Steve, thank you for your kind words. And thank you for your sage testimony when you come to the committee. You know, we come from a body that where the two

sides of an argument fail to reach consensus, we don't get to have any output.

If the House and Senate can't agree on language in a conference, as it turns out, we don't get to put it forward to the President. So we certainly can understand the frustration that that brings, but that process is what we are used to living with.

JAMIE HEDLUND: All right. Last question.

JORDAN CARTER: Hi, my name is Jordan Carter. I'm one of the rapporteurs on the CCWG process. And one of the downsides or upsides of that means you get stuck in a lot of detail, a lot of detail, a lot of meetings.

And you guys have a very different perspective coming from outside, from a kind of political, governmental context. The question I would find it really interesting to know the answer to is: In observing this process so far and where we've got to, what have you found most surprising in the conclusions that we've reached?

DAVID GOLDMAN:

So speaking from the high level, not the details, I actually think the whole process has been impressive. The people in this room, you've done an incredible -- you have made so much progress. It's been such a great job. I mean, as we were hearing, we're so, so far along. And I think just -- I don't know.

The multistakeholder approach is a little overwhelming when you first approach it and to see how well everybody has been able to get there.

Again, to your description, we're at the high level rather than the details -- and I will avoid getting into details -- I think just the progress has been really impressive.

DAVID REDL:

I think for me the most surprising things, we get paid to sit in meetings and work out policy decisions. Most of the people that participate in this process, this is a side gig and in some cases an unpaid side gig. And I think the most impressive thing to me, the most surprising thing, it's a level of passion and a level of involvement from folks that don't necessarily have skin in the game other than being Internet users. I think that's the most surprising thing to me. And it has been throughout my involvement in the ICANN process. This isn't my first ICANN meeting.

And every meeting it seems to be more and more impressive how many people are involved and care and want to be a part of the process. That's the most surprising thing to me.

JAMIE HEDLUND: All right. Okay. Now, this is really the last question.

SEBASTIEN BACHOLLET: Thank you. And I think I need to speak in English because even if we have the interpretation, you don't have the headset. Yeah, you can read. But it's not the same thing to use the good tools that we have in this location to have interpretation. And thank you.

Your last word was very interesting because I think we need to take into account in all that the end user, and I am one of them here in this organization. And I think those 3 billion users need to know where we will go and how we will go.

And I have sometimes the impression -- today I have the impression that, sorry, guys, but I don't know what you are -- how you organize.

I am not a U.S. citizen. I am not -- a lot of things you are telling us to do, we have trouble to understand why we need to do that

because at the end of the day, what is important is that the world agree on what we want to do, okay?

But the last one who will say it to Congress, I was thinking that it was something else. It was a community that need to be agreed on.

My question is how you want to reconcile that because the impression I have here is that you will be the last one, your organization. The Congress will be the last one to have a say. That's my first question.

My second recommendation, you need to talk with the government -- with the GAC because the community working group on accountability will not be the right place to negotiate what the Governmental Advisory Committee has a right to do within this organization. If you have requests, then I hope that you would go to the GAC and they will agree with your requests. Don't ask the end user to be in the middle of that because it's not our role. Thank you.

DAVID REDL:

I don't think that any of us seem to believe that Congress has the last say in this. But it is an interesting thing for the worldwide multistakeholder community to get a small vision into the intergovernmental process of the United States because

ultimately what's happening here is there's a process that's occurring in the multistakeholder system. But there is also an intra-U.S. government process that's going on.

I don't envy him in this role, but Assistant Secretary Strickling is sitting right in between those two processes. And it is a very difficult place to be. And, like I said, I don't think any of us want his job right now. But there is a process he has to go through within our own government that includes being responsive to the authorizing committees on Capitol Hill that ultimately fund his agency.

And so I don't think I would characterize it as the United States Congress having the last say in the multistakeholder system. However, we do have an affirmative oversight role over NTIA. And that has been our role in this process at-large. I think we have been pretty clear -- my members have been pretty clear in reiterating that whenever we have a hearing, that our job is to oversee NTIA. And NTIA's job is to be the multistakeholder representative at these events.

I don't for one want to be the one to represent the U.S. government in the multistakeholder system. I don't think that would necessarily be the most productive use of my time. But being here to make sure that we are seen and heard as a part of this decision is absolutely a part of what we do.

JAMIE HEDLUND: That makes sense.

All right. Jeff, John, David and David, thank you very much.
Really appreciate you coming today.

[Applause]

[END OF TRANSCRIPTION]