



UNITED STATES COUNCIL FOR INTERNATIONAL BUSINESS

December 18, 2014

VIA ELECTRONIC TRANSMISSION

RE: Call for Public Input: Cross-Community Working Group (CWG) Draft Transition Proposal on IANA Naming Functions

Dear Sir/Madam:

The U.S. Council for International Business (USCIB) is pleased to respond to the Cross-Community Working Group's (CWG) December 1, 2014 call for public comments on its draft transition proposal on IANA Naming Functions. [USCIB](#) is a trade association composed of more than 300 multinational companies, law firms, and business associations, which includes a broad cross-section of the leading global companies in the information and communications technology (ICT) sector. USCIB Member companies, which include members of both the non-contracted and contracted houses of ICANN, welcome this opportunity to offer a cross-community, cross-sectoral perspective on this important issue.

Before entering into the substance of the proposal, USCIB would like to raise two points. First, as a procedural matter, our membership is concerned that for a 180 page document, a three week comment period with no opportunity for reply comments can limit the opportunity for careful evaluation of the detailed proposal. As this process continues, we recommend initial comment periods of four weeks, with a reply comment period of two weeks. Second, we want to highlight that the structure currently in place that carries out the IANA naming functions has been working well, supporting the stability and security of the network. Hence, we should ensure we take full account of what is working and not establish a completely new system unless it will be an improvement.

With respect to the substance of the CWG proposal, we raise the following considerations:

Relationship between IANA Transition and Enhancing ICANN Accountability Process -- USCIB supports the U.S. Government's transition of its stewardship role over IANA functions and has actively commented on the transition as well as the broader ICANN Enhancing Accountability process. In all of those previous submissions, we underscored the importance of fully implementing *and* stress testing broader ICANN organizational accountability mechanisms before proceeding with the IANA transition plan. We are pleased that Section 3.1 of CWG's draft proposal for the naming functions appropriately notes the strong interrelationship and interdependence between the two processes.

We also support the recent remarks of Lawrence Strickling, Assistant Secretary of Commerce for Communications and Information, in which he stated that, "[t]he two work streams on the IANA transition and enhanced accountability are directly linked and NTIA has repeatedly said that both

issues must be addressed before any transition takes place.” However, we feel the CWG should strengthen this link further by requiring a pre-transition stress test to ensure that the process is robust and effective and would not result in unintended consequences or burdens that would threaten the functionality, stability, and interoperability of the Internet.

No Duplication of Accountability Reforms -- In addition, we are concerned that some elements of the CWG draft proposal might destabilize the operation of accountability mechanisms. Specifically, the CWG proposes some new accountability reforms, such as the creation of the Independent Appeals Panel (IAP), which would have jurisdiction over disputes arising “as to the implementation of IANA related policies.” We believe this reform would be better addressed as part of the broader ICANN Enhancing Accountability process because it should be applicable to ICANN as a whole and not just the IANA naming functions.

Further, we are concerned that the creation of accountability mechanisms on a few different tracks risks creating the potential for confusion and “forum shopping.” Such an outcome would introduce uncertainty and unevenness in the overall process and possibly jeopardize the stable management of the IANA naming functions. Therefore, while we urge that accountability mechanisms regarding the IANA naming functions be implemented, we believe they need to be done in a holistic manner and in conjunction with broader accountability reforms across the entire organization.

Many Important Elements Remain Under Consideration, or To Be Determined – Finally, USCIB has serious concerns regarding the extent to which important interrelated elements of the CWG’s draft proposal have yet to be determined. For example, we support the concept that a new structure may need to oversee various administrative functions set forth in the IANA Functions Contract, which is currently performed by NTIA. And we concur that it is appropriate that direct consumers of the IANA naming functions should be vested with such oversight functions. However, the proposal lacks critical details concerning the composition and selection of the Multistakeholder Review Team (MRT), making it impossible for business to fully evaluate this element of the proposed post-NTIA structure. Similarly, the proposal fails to elaborate on the terms of reference for the IAP or provide details on the composition of this panel, making it difficult for business members of the ICANN community to offer fulsome comments – either pro or con – concerning this pillar of the proposal.

A Quality Result is More Important than a Fast Result -- We appreciate the CWG’s sensitivity to the goal of developing a transition proposal before the September 30, 2015, expiration of NTIA’s current contract to perform IANA functions. Nevertheless, this process should not be unduly rushed with issuance of an incomplete, flawed, and potentially destabilizing proposal. There is no need for such haste in view of repeated statements by Assistant Secretary Strickling that September 30 is a “goal.” The NTIA contract can and will be renewed if the development of appropriate transition and accountability mechanisms are not completed by then. We should take the necessary time and apply the necessary detailed attention to do this right. The security and stability of the Internet and the broader Internet-enabled economy depend on this level of care and attention.

We look forward to reviewing further iterations of the transition proposal for the IANA naming functions, which address our concerns and incorporate other community input aimed at strengthening the overall framework.

Sincerely yours,

A handwritten signature in cursive script that reads "Barbara P. Wanner".

Barbara P. Wanner
Vice President, ICT Policy
U.S. Council for International Business

cc: Peter Robinson, President
Robert Mulligan, Senior Vice President, Policy and Government Affairs
Eric Loeb, Chair, USCIB ICT Policy Committee, and Vice President of International External Affairs, AT&T