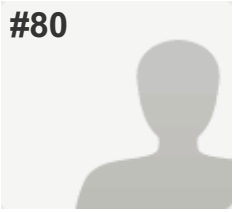


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PAGE 2: Personal Information

Q1: Name	Adam Schlosser
Q2: Affiliation	U.S. Chamber of Commerce
Q3: Responding on behalf of	U.S. Chamber of Commerce

PAGE 3: Recommendation 1

Q4: Is establishing an Empowered Community for enforcing Community Powers a solution that is acceptable to you?(Please see Annex 1 - Recommendation #1: Establishing An Empowered Community For Enforcing Community Powers for more information)

Yes, I support this recommendation.,

Comment

The Chamber's comments over the past year have consistently emphasized the need for binding, legally enforceable accountability, achieved through a consensus process, prior to finalizing any plans, including those of the IANA transition. We reaffirm those concerns and offer qualified support for the sole designator model, provided those conditions can be achieved.

PAGE 4: Recommendation 2

Q5: Is empowering the community through consensus: engage, escalate, enforce a solution that is acceptable to you?(Please see Annex 02 - Recommendation #2: Empowering The Community Through Consensus: Engage, Escalate, Enforce for more information)

Respondent skipped this question

PAGE 5: Recommendation 3

Q6: Is redefining ICANN's Bylaws as 'Standard Bylaws' and 'Fundamental Bylaws' a solution that is acceptable to you?(Please see Annex 03 - Recommendation #3: Redefining ICANN's Bylaws As 'Standard Bylaws' And 'Fundamental Bylaws' for more information)

Yes, I support this recommendation.

PAGE 6: Recommendation 4

Q7: Is ensuring community involvement in ICANN decision-making: seven new Community Powers a solution that is acceptable to you? (Please refer to Annex 04: Details on Recommendation 4: Ensuring Community Involvement In ICANN Decision-Making: Seven New Community Powers for more information)

Yes, I support this recommendation.

PAGE 7: Recommendation 5

Q8: Is changing aspects of ICANN's Mission, Commitments and Core Values a solution that is acceptable to you?(Please refer to Annex 05 - Details on Recommendation #5: Changing Aspects Of ICANN's Mission, Commitments And Core Values for more information)

Comment
The Chamber supports the consensus view that the revised Mission statement is worthwhile, in particular guidance that current registry and registrar agreements are within ICANN's Mission. We support the clarifications that ICANN's contractual enforcement authority in relation to contracted parties is within ICANN's mission as defined in the bylaws. We also support the consensus text that affirms it is with ICANN's Mission to develop and implement consensus policies in accordance with the multistakeholder process. The Chamber also supports the recommendations to change the current Bylaws to enshrine the Affirmation of Commitments reviews. These reviews are a central aspect of the accountability and transparency framework, and in some areas address matters that would otherwise not be addressed in the bylaws. In order to fully support Recommendation #5, we want to see the inclusion of the proposed bylaw in paragraph 33 of Appendix 9, which incorporates important elements of the review process to promote competition, consumer trust and consumer choice.

PAGE 8: Recommendation 6

Q9: Is reaffirming ICANN's commitment to respect internationally recognized human rights as it carries out its Mission a solution that is acceptable to you?(Please refer to Annex 06 - Recommendation #6: Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries Out Its Mission for more information)

Respondent skipped this question

PAGE 9: Recommendation 7

Q10: Is strengthening ICANN's Independent Review Process a solution that is acceptable to you?(Please refer to Annex 07: Recommendation 7: Strengthening ICANN's Independent Review Process for more information)

Yes, I support this recommendation.,

Comment

The Chamber welcomes the work to be done by the IRP Working Group to implement this recommendation and, in particular developing reassurance that there is a sufficient pool of available experts to arbitrate disputes of an improved IRP. More needs to be done to demonstrate there are an appropriate number of experts with both arbitration experience and familiarity with ICANN.

PAGE 10: Recommendation 8

Q11: Is fortifying ICANN's request for reconsideration process a solution that is acceptable to you?(Please refer to Annex 08 - Recommendation #8: Improving ICANN's Request For Reconsideration Process for more information)

Yes, I support this recommendation.

PAGE 11: Recommendation 9

Q12: Is incorporation of the Affirmation of Commitments a solution that is acceptable to you?(Please refer to Annex 09 - Recommendation #9: Incorporation of the Affirmation of Commitments for more information)

Respondent skipped this question

PAGE 12: Recommendation 10

Q13: Is enhancing the accountability of Supporting Organizations and Advisory Committees a solution that is acceptable to you?(Please refer to Annex 10 - Recommendation #10: Enhancing the Accountability of Supporting Organizations and Advisory Committees for more information)

Respondent skipped this question

PAGE 13: Recommendation 11

Q14: Is Board obligations regarding GAC Advice (Stress Test 18) a solution that is acceptable to you?(Please refer to Annex 11 - Recommendation #11: Board obligations regarding GAC Advice)

No, I do not support this recommendation.,

Comment

While we have concerns However, we may find a 2/3 threshold acceptable only if several changes are made. First, such advice must be accompanied by a clear, written rationale from the GAC. Second, such advice must reflect full, actual consensus with no objections (which means the qualifying language that permits the GAC to redefine what constitutes consensus should be stricken). Third, any negotiated solution between the Board and GAC must not violate ICANN's bylaws.

PAGE 14: Recommendation 12

Q15: Is committing to further accountability work in Work Stream 2 a solution that is acceptable to you? (Please refer to Annex 12 - Recommendation #12: Committing to further accountability work in Work Stream 2)

Comment

We have previously highlighted the need for greater transparency by ICANN and note a general step in the right direction with respect to access to documents, interactions with governments, and whistleblower protections. However, these requirements need to be enhanced, particularly related to the “patch” proposed by the CCWG to address the enforcement gap between Sole Member and the Sole Designator models. We recommend the near-term Work Stream 2 effort focus on creating a stronger Freedom of Information Act style process. We suggest following well established best practices, including developing clear criteria about what information may be released, enabling stakeholder access to documents, emails, staff memos, and other unofficial correspondence related to the policymaking process. An independent, third party entity should be retained by ICANN and operate independent of the Board. The Chamber previously urged the CCWG to adopt an additional Bylaw requiring ICANN (or an individual acting on ICANN’s behalf) to disclose relations and activities with government officials. We continue to stress consideration of this Bylaw under Work Stream 1, but at a minimum, mechanisms enabling greater transparency of government interactions should be fast tracked as a Work Stream 2 near-term priority. We maintain that Article XVIII should be strengthened with the status of a Fundamental Bylaw to ensure the continued legal certainty and stability of ICANN’s functions. The massive and impressive body of work by the CCWG has been based on California laws and any initiative to shift jurisdictions is a fundamental change, potentially disrupting the foundation of the accountability proposal. While this topic has been discussed extensively in the CCWG, but because the concept is so important and underlies the success of the accountability plan, we recommend at a minimum to further evaluate strengthening ICANN’s current California jurisdiction Bylaw as a near-term priority for Work Stream 2.

Q16: Please submit comments you have in addition to the information provided above, including on NTIA criteria, CWG-Stewardship requirements and Stress Tests.

The U.S. Chamber of Commerce (Chamber) is the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations. We greatly appreciate the efforts put forth by the CCWG to develop a strong Accountability plan and look forward to engaging with the community to ensure the best possible result from this important process.

General Comments

We are pleased that the CCWG Accountability plan has procedures in place to ensure real accountability through legal enforceability. Throughout the CCWG process, based on extensive legal analysis and through the hard work of the multistakeholder community, there is clear consensus support for new mechanisms by which the community can hold ICANN accountable.

We strongly support the CCWG goal of binding accountability, and encourage the Board to work constructively towards ensuring this goal.

Our comments over the past year have consistently called on the real, binding, legally enforceable accountability, achieved through a consensus process, prior to finalizing any plans, including those of the IANA transition. And we wish to reaffirm those concerns and incorporate all prior comments by reference. As the accountability plan is fluid and still subject to change it is important the multistakeholder community have the opportunity to comment and review a final plan before it is sent to the Board or NTIA. Until all bylaws are drafted and plans finalized, it is hard to offer full support.
