

# **Election Scenario Planner**

ICANN Internet governance transition

**September 21, 2016**

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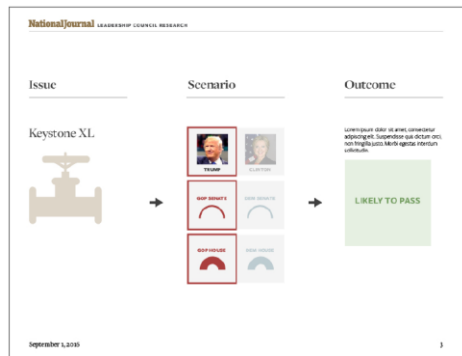
# Understanding the Election Scenario Planner

## OVERVIEW OF SCENARIOS

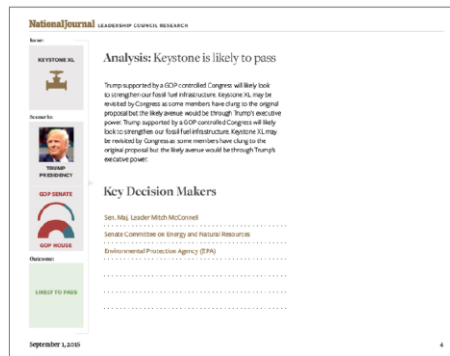


## DETAILED ANALYSIS OF EACH SCENARIO

### 1 Summary



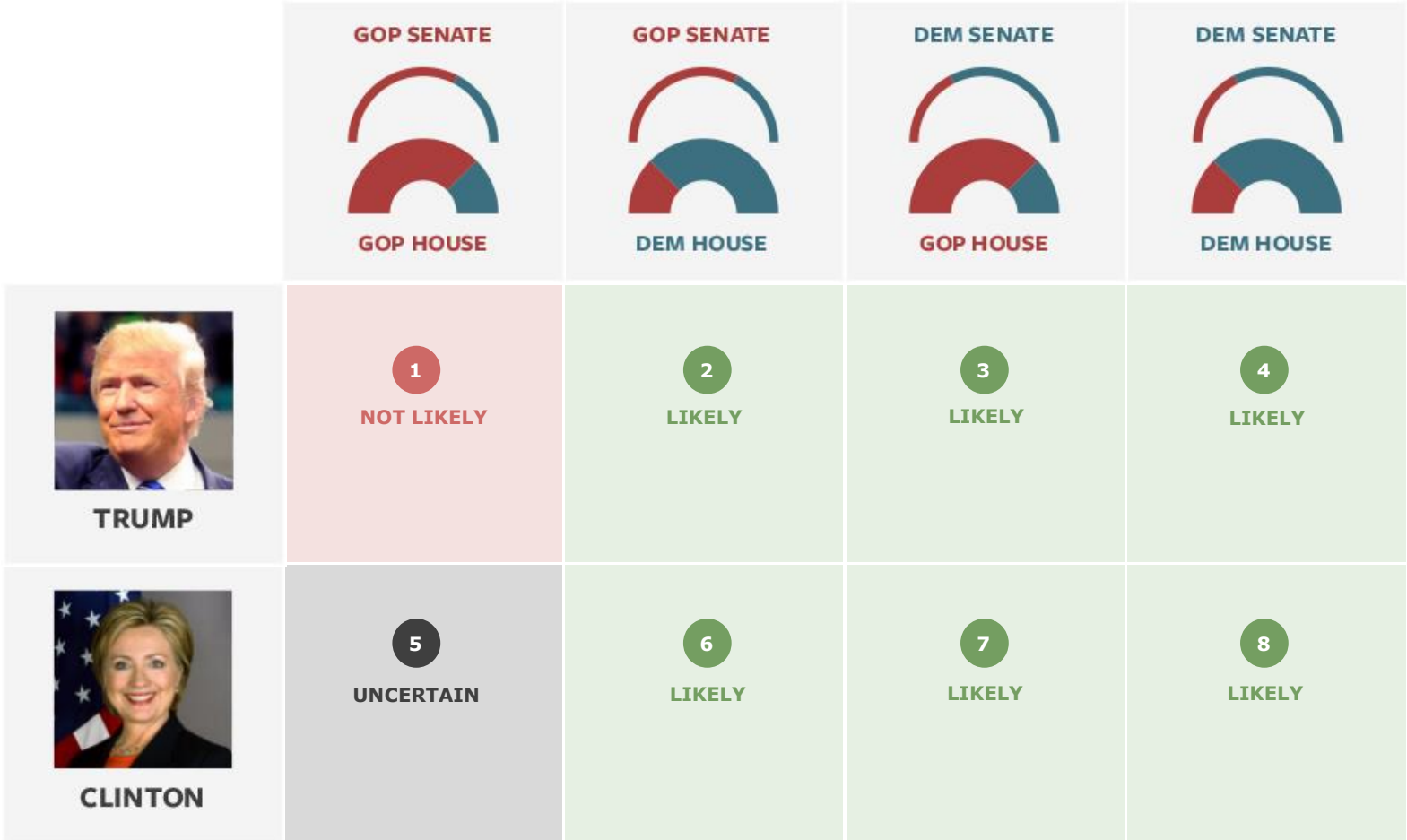
### 2 Analysis



### 3 Analysis—Continued



# Scenario Map

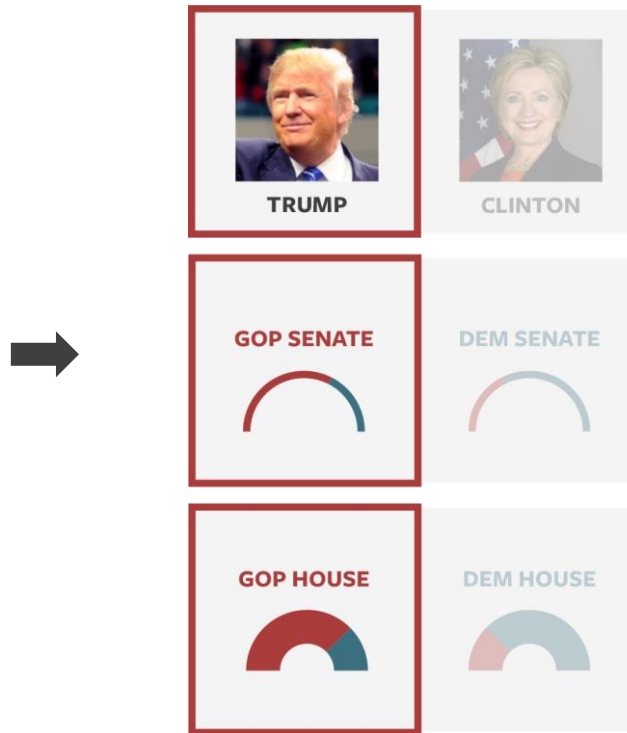


## Issue

ICANN transition

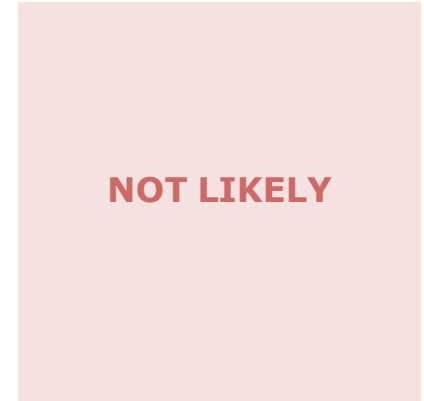


## Scenario 1



## Analysis

With Republican majorities in both the House and the Senate, a bill prohibiting the transition from either chamber is likely to pass and be signed by Trump.




Issue:

**ICANN  
TRANSITION**




Scenario:



**TRUMP  
PRESIDENCY**

**GOP SENATE**



**GOP HOUSE**

Outcome:

**NOT LIKELY**

## Analysis: The ICANN transition is not likely to occur

With a majority of Republicans in each chamber of Congress and Trump as President of the United States, the planned transition of Internet governance through ICANN will most likely not occur, or at the very least, be delayed. Either the Senate or House version of the Protecting Internet Freedom Act (S. 3034 and HR 5418, respectively), spearheaded by Sen. Ted Cruz (R-TX) will likely pass. The Trump campaign has recently released a statement in opposition of the transition. In the case that neither bill passes, however, the House Appropriations Committee is working on a bill to postpone the transition until 2017, while Sen. John Thune (R-SD) has stated his intent to include language delaying the transition in a government funding resolution.

## Key Decision Makers

Sen. Ted Cruz (R-TX)

Senate Committee on Commerce, Science and Transportation

House Committee on Appropriations

Senate Commerce Committee Chairman John Thune (R-SD)

US Commerce Department

Rep. Sean Duffy (R-WI)

Issue:

ICANN  
TRANSITION



Scenario:



TRUMP  
PRESIDENCY

GOP SENATE



GOP HOUSE

Outcome:

NOT LIKELY

## Checkpoints in the Legislative Process



Trump would be able to approve any bills that make it past both chambers of Congress about this issue. Additionally, his appointment choice for Secretary of Commerce could influence the outcome; the National Telecommunications and Information Administration (NTIA) is a division of the US Commerce Department.



The Senate has a version of the Protecting Internet Freedom Act that was referred to the Committee on Commerce, Science and Transportation. Senators could vote on the bill if it is sent to the Senate as a whole. Additionally, senators have been appealing directly to NTIA for an extension of ICANN's contract with the US.



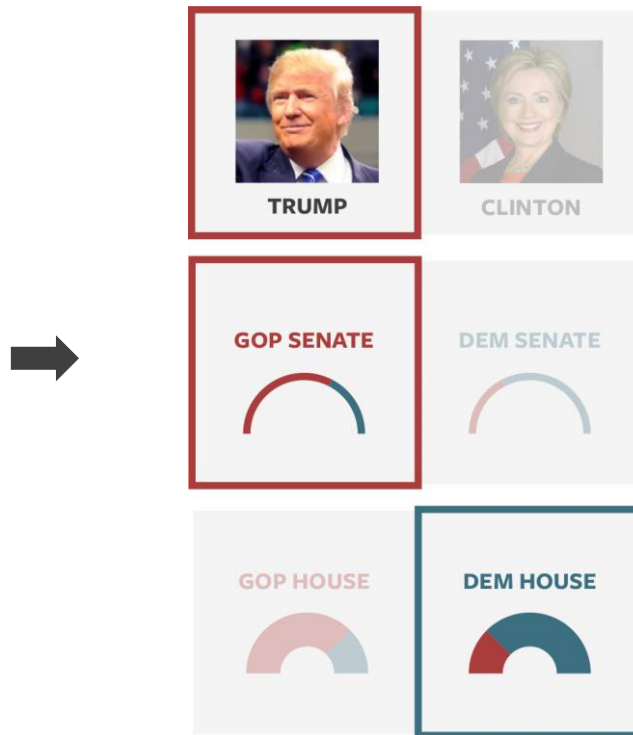
The House has a version of the Protecting Internet Freedom Act that was referred to Committee in June 2016. Representatives could vote on the bill if it is sent to the House as a whole.

## Issue

ICANN transition



## Scenario 2



## Analysis

A bill prohibiting the transition of ICANN might make it through the Senate, but would most likely not make it past the House for Trump to sign.



Issue:

ICANN  
TRANSITION




Scenario:



TRUMP  
PRESIDENCY

GOP SENATE



DEM HOUSE

Outcome:

LIKELY

## Analysis: The ICANN transition is likely to occur

In the event of Trump presidency, Republican-majority Senate and Democratic-majority House, a bill prohibiting the ICANN transition, specifically the Protecting Internet Freedom Act, would likely pass the Senate if it makes it out of committee. The bill would likely not make it past a House with a Democratic majority. The Trump campaign has recently released a statement in opposition of the transition, however National Policy Director Stephen Miller points to legislative action to stop the transition and Trump himself has not been outspoken enough on the issue to warrant speculation about an executive order. The ICANN transition would subsequently proceed as scheduled.

## Key Decision Makers

Sen. Ted Cruz (R-TX)

Senate Committee on Commerce, Science and Transportation

US Commerce Department

Donald Trump



Issue:

ICANN  
TRANSITION



Scenario:



TRUMP  
PRESIDENCY

GOP SENATE



DEM HOUSE

Outcome:

LIKELY

## Checkpoints in the Legislative Process



Donald Trump could issue an executive order. He could also appoint a Secretary of Commerce who could influence NTIA into potentially extending its contract with ICANN.



The Senate has a version of the Protecting Internet Freedom Act that was referred to the Committee on Commerce, Science and Transportation. Senators could vote on the bill if it is sent to the Senate as a whole. The Senate may also propose new bills or add riders to other legislation to postpone or prohibit the transition. Additionally, senators have been appealing directly to NTIA for an extension of ICANN's contract with the US.



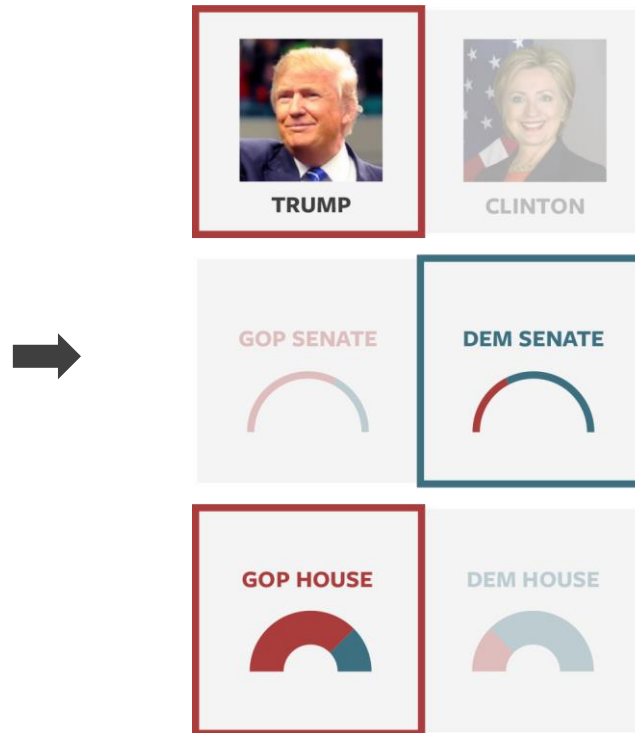
The House has a version of the Protecting Internet Freedom Act, but it is unlikely that the bill will pass due to a Democratic majority. The House would have the chance to vote on the Senate version.

## Issue

ICANN transition



## Scenario 3



## Analysis

A bill prohibiting the transition of ICANN might make it through the House, but would most likely not make it past the Senate for Trump to sign.


**LIKELY**

Issue:

ICANN  
TRANSITION




Scenario:



TRUMP  
PRESIDENCY

DEM SENATE



GOP HOUSE

Outcome:

LIKELY

## Analysis: The ICANN transition is likely to occur

In the event of Trump presidency, Democratic-majority Senate and Republican-majority House, a bill prohibiting the ICANN transition, specifically the Protecting Internet Freedom Act, would likely pass the House if it makes it out of committee. Additionally, the House Appropriations Committee may be able to submit and pass its bill to postpone the transition until 2017. Neither bill would likely make it past a Senate with a Democratic majority. The Trump campaign has recently released a statement in opposition of the transition, however National Policy Director Stephen Miller points to legislative action to stop the transition and Trump himself has not been outspoken enough on the issue to warrant speculation about an executive order. The ICANN transition would subsequently proceed as scheduled.

## Key Decision Makers

Rep. Sean Duffy (R-WI)

House Committee on Appropriations

US Department of Commerce

Donald Trump

Issue:

ICANN  
TRANSITION



Scenario:



TRUMP  
PRESIDENCY

DEM SENATE



GOP HOUSE

Outcome:

LIKELY

## Checkpoints in the Legislative Process



Donald Trump could issue an executive order. He could also appoint a Secretary of Commerce who could influence NTIA into potentially extending its contract with ICANN.



The Senate would most likely not be able to postpone or prohibit the ICANN transition through a bill of its own because of its Democratic majority. However, members could vote on a House bill if one were to pass there first. Additionally, senators have been appealing directly to NTIA for an extension of ICANN's contract with the US.



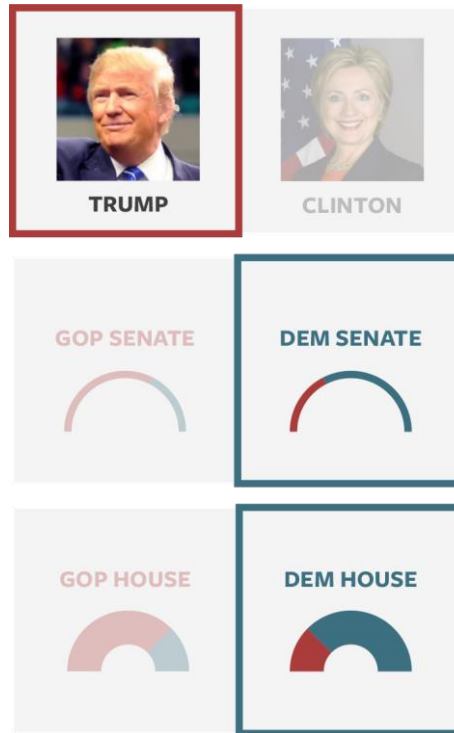
The House has a version of the Protecting Internet Freedom Act that was referred to committee in June 2016. Representatives could vote on the bill if it is sent to the House as a whole. The House may also propose new bills or add riders to existing legislation to postpone or prohibit the transition.

## Issue

ICANN transition



## Scenario 4



## Analysis

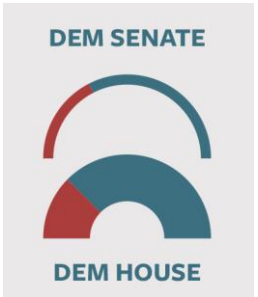
Legislation prohibiting or postponing the ICANN transition would likely not make it out of either chamber, and the transition would likely proceed as scheduled.

**LIKELY**

Issue:



Scenario:



Outcome:



# Analysis: The ICANN transition is likely to occur

If both chambers of Congress had a Democratic majority, most likely there would not be any legislation passed prohibiting or postponing the ICANN transition. The Trump campaign has recently released a statement in opposition of the transition, however National Policy Director Stephen Miller points to legislative action to stop the transition and Trump himself has not been outspoken enough on the issue to warrant speculation about an executive order. The scheduled transition would likely proceed.

## Key Decision Makers

Donald Trump

US Commerce Department

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Issue:

ICANN  
TRANSITION



Scenario:



TRUMP  
PRESIDENCY

DEM SENATE



DEM HOUSE

Outcome:

LIKELY

## Checkpoints in the Legislative Process



Donald Trump could issue an executive order. He could also appoint a Secretary of Commerce who could influence NTIA into potentially extending its contract with ICANN.



The Senate would most likely not be able to postpone or prohibit the ICANN transition through a bill of its own because of its Democratic majority. However, senators could appeal directly to NTIA for an extension of ICANN's contract with the US.



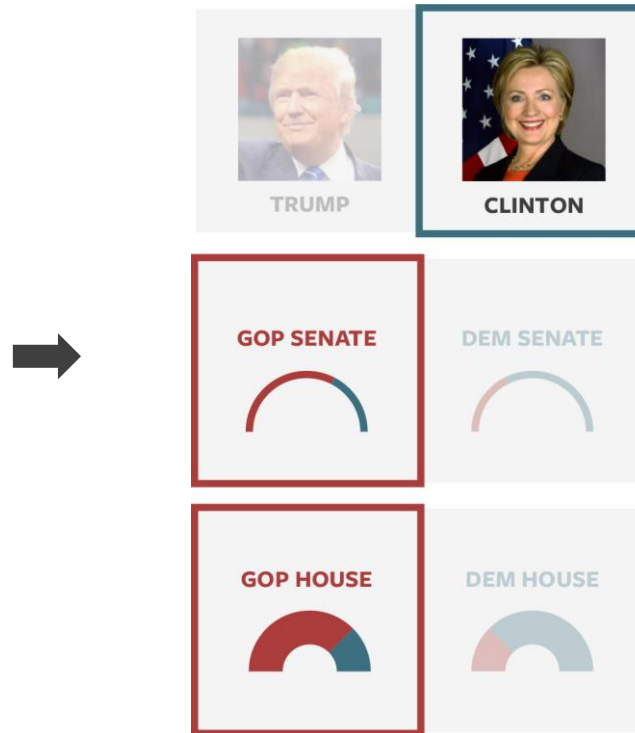
The House has a version of the Protecting Internet Freedom Act, but it is unlikely that the bill will pass due to a Democratic majority.

## Issue

ICANN transition



## Scenario 5



## Analysis

A bill prohibiting the transition would likely pass either the House or the Senate. Hillary Clinton would veto it, but Congress could have the supermajority needed to override it.





**Issue:**

**ICANN  
TRANSITION**




**Scenario:**



**CLINTON  
PRESIDENCY**

**GOP SENATE**



**GOP HOUSE**

**Outcome:**

**UNCERTAIN**

**Analysis:** The possibility that an ICANN transition would occur is unknown

In a Republican dominated Congress, either version of the Protecting Internet Freedom Act, or any other bill prohibiting or postponing the ICANN transition could pass both chambers. Hillary Clinton has put emphasis on her tech policy and has explicitly stated her support for the ICANN transition to a multistakeholder, global model of Internet governance, and would accordingly be likely to veto any bill that would prevent the scheduled ICANN transition from running smoothly. This veto may hold, but this depends on the exact partisan makeup of Congress, as Republicans would need a supermajority in order to override Clinton’s veto.

**Key Decision Makers**

US Commerce Department

Sen. Ted Cruz (R-TX)

Rep. Sean Duffy (R-WI)

Hillary Clinton

Republicans in Congress

Senate Committee on Commerce, Science and Transportation

House Committee on Appropriations

Issue:

ICANN  
TRANSITION



Scenario:



CLINTON  
PRESIDENCY

GOP SENATE



GOP HOUSE

Outcome:

UNCERTAIN

## Checkpoints in the Legislative Process



Hillary Clinton can, and would likely, veto any bill that would lead to the postponement or prohibition of the ICANN transition. Clinton also has influence in the outcome of the issue through her choice for Secretary of Commerce, as NTIA is a division of the Commerce Department.



The Senate has a version of the Protecting Internet Freedom Act that was referred to the Committee on Commerce, Science and Transportation. Senators could vote on the bill if it is sent to the Senate as a whole. Additionally, senators have been appealing directly to NTIA for an extension of ICANN's contract with the US. The Senate could also have the opportunity to override Clinton's veto.



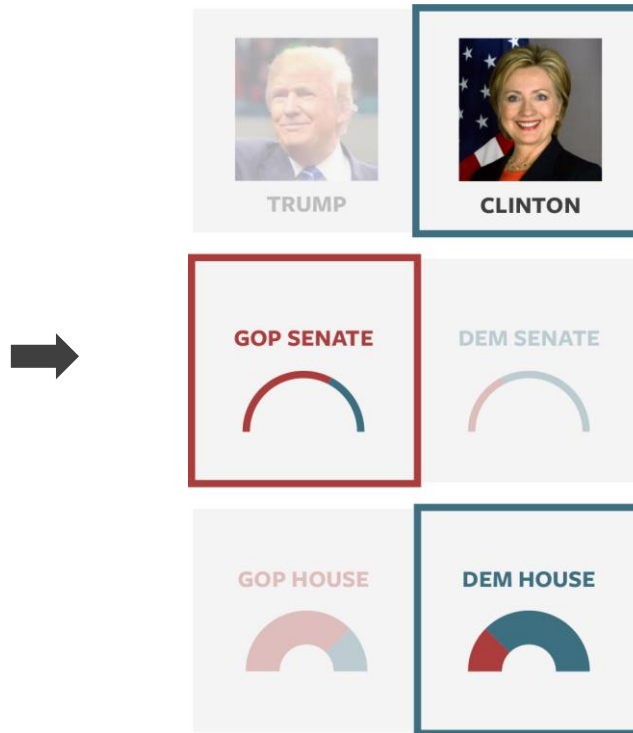
The House has a version of the Protecting Internet Freedom Act that was referred to Committee in June 2016. Representatives could vote on the bill if it is sent to the House as a whole. The House could also potentially have the opportunity to override Clinton's veto or propose new bills or add riders to existing legislation to postpone or prohibit the transition.

## Issue

ICANN transition



## Scenario 6



## Analysis

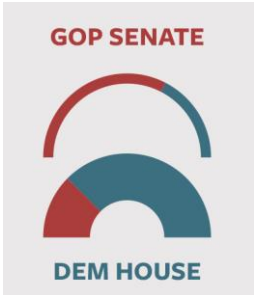
Any bill to prevent the ICANN transition would not make it past the Democratic House. The transition would proceed as scheduled.



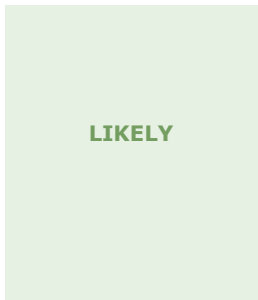
Issue:



Scenario:



Outcome:



# Analysis: The ICANN transition is likely to occur

A Republican-dominated Senate could pass its version of the Protecting Internet Freedom Act, or any other measure that would prevent or postpone the ICANN transition. A bill against the transition would be unlikely to make it through a Democratic House of Representatives to reach Clinton. The ICANN transition would likely proceed as scheduled.

## Key Decision Makers

US Commerce Department

Senate Committee on Commerce, Science and Transportation

Sen. Ted Cruz (R-TX)

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Issue:

ICANN  
TRANSITION



Scenario:



CLINTON  
PRESIDENCY

GOP SENATE



DEM HOUSE

Outcome:

LIKELY

## Checkpoints in the Legislative Process



Any bill preventing the transition of ICANN would likely not make it past the Congressional lawmaking process. Though Clinton vocally supports the ICANN transition, she may not need to influence the issue to get her desired outcome, since ICANN's contract with the US is set to expire this year. Clinton could influence the outcome of the issue through her choice for Secretary of Commerce, as the NTIA is a division of the Commerce Department.



The Senate has a version of the Protecting Internet Freedom Act that was referred to the Committee on Commerce, Science and Transportation. Senators could vote on the bill if it is sent to the Senate as a whole. The Senate may also propose new bills or add riders to other legislation to postpone or prohibit the transition. Additionally, senators have been appealing directly to NTIA for an extension of ICANN's contract with the US.



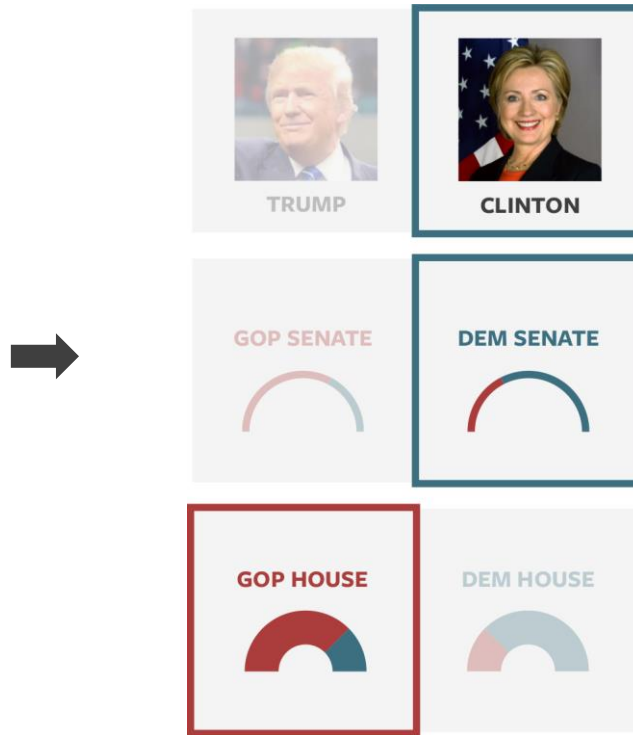
The House has a version of the Protecting Internet Freedom Act, but it is unlikely that the bill will pass due to a Democratic majority. The House would have the chance to vote on the Senate version.

## Issue

ICANN transition



## Scenario 7



## Analysis

Any bill against the ICANN transition is not likely to make it past the Senate. The ICANN transition would likely proceed as scheduled.



Issue:

ICANN  
TRANSITION




Scenario:



CLINTON  
PRESIDENCY

DEM SENATE



GOP HOUSE

Outcome:

LIKELY

## Analysis: The ICANN transition is likely to occur

A Republican-dominated House of Representatives could pass its version of the Protecting Internet Freedom Act, or any other measure that would prevent or postpone the ICANN transition. A bill against the transition would be unlikely to make it through a Democratic Senate to reach Clinton. The ICANN transition would likely proceed as scheduled.

## Key Decision Makers

US Commerce Department

Rep. Sean Duffy (R-WI)

House Committee on Appropriations

Issue:

ICANN  
TRANSITION



Scenario:



CLINTON  
PRESIDENCY

DEM SENATE



GOP HOUSE

Outcome:

LIKELY

## Checkpoints in the Legislative Process



Any bill preventing the transition of ICANN would likely not make it past the Congressional lawmaking process. Though Clinton vocally supports the ICANN transition, she may not need to influence the issue to get her desired outcome, since ICANN's contract with the US is set to expire this year. Clinton could influence the outcome of the issue through her choice for Secretary of Commerce, as the NTIA is a division of the Commerce Department.



The Senate would most likely not be able to postpone or prohibit the ICANN transition through its own bill because of its Democratic majority, but members would be able to vote on a House bill if one were to pass there first. Additionally, senators have been appealing directly to NTIA for an extension of ICANN's contract with the US.



The House has a version of the Protecting Internet Freedom Act that was referred to Committee in June 2016. Representatives could vote on the bill if it is sent to the House as a whole. The House may also propose new bills or add riders to existing legislation to postpone or prohibit the transition.

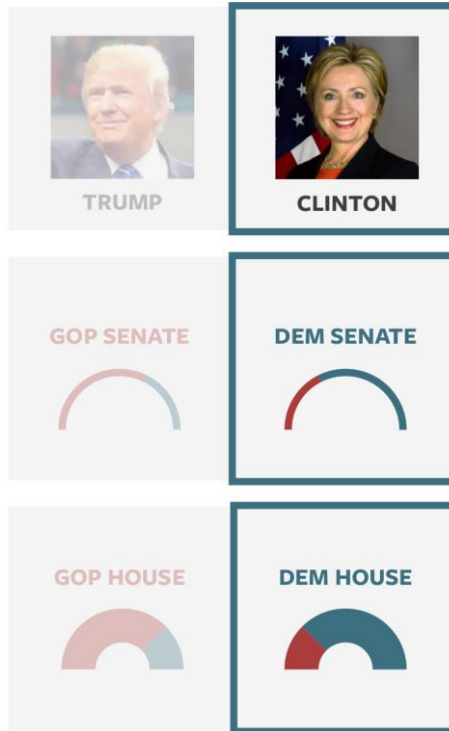


## Issue

ICANN transition



## Scenario 8



## Analysis

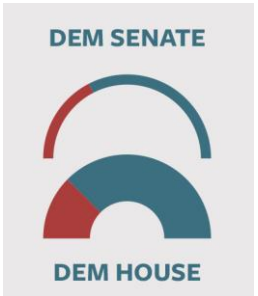
Bills aiming to delay or prevent the ICANN transition would likely never pass, and the transition would go on as planned.



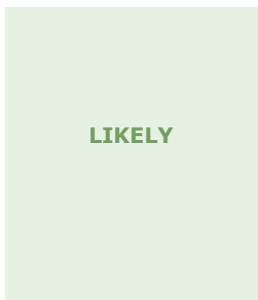
Issue:



Scenario:



Outcome:



## Analysis: The ICANN transition is likely to occur

In the event of a Democratic Congress, any legislative effort against the ICANN transition would be unlikely to pass either chamber, and would be even more unlikely to pass both. Clinton may not have to act in order for the ICANN transition to proceed when its contract with the US Commerce Department expires.

## Key Decision Makers

US Commerce Department

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Issue:

ICANN  
TRANSITION



Scenario:



CLINTON  
PRESIDENCY

DEM SENATE



DEM HOUSE

Outcome:

LIKELY

## Checkpoints in the Legislative Process



Any bill preventing the transition of ICANN would likely not make it past the Congressional lawmaking process. Though Clinton vocally supports the ICANN transition, she may not need to influence the issue to get her desired outcome, since ICANN's contract with the US is set to expire this year. Clinton could influence the outcome of the issue through her choice for Secretary of Commerce, as the NTIA is a division of the Commerce Department.



The Senate would most likely not be able to postpone or prohibit the ICANN transition through its own bill because of its Democratic majority. Additionally, senators have been appealing directly to NTIA for an extension of ICANN's contract with the US.



The House has a version of the Protecting Internet Freedom Act, but it is unlikely that the bill will pass due to a Democratic majority.

## Sources:

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