GUIDE TO THE ISSUES

HOUSE REPUBLICAN POLICY COMMITTEE

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REJECT AUTHORITARIAN INTERNET CONTROL

In 2016, the Obama administration transferred remaining U.S. oversight of the Internet's "address book" to the multistakeholder-led Internet Corporation for Assigned Names and Numbers (ICANN). Despite ceding U.S. oversight, adversarial nations such as Russia and China continue to pursue their own censored alternatives to a free and open Internet.

BACKGROUND

The Internet is a complex system of decentralized, yet interconnected, networks.[1] The Internet is organized using Internet Protocol (IP) addresses, which are a series of numbers that identify the computers that house information and resources. The domain name system (DNS), often referred to as the Internet's "address book," provides Internet users with a simplified system that uses words rather than numeric IP addresses. To access the website of the U.S. House of Representatives (www.house.gov), or the House Republican Policy Committee (republicanpolicy.house.gov), for example, users search words, rather than a complex arrangement of numbers.

The United States created and developed the Internet and has supervised it since its inception. In 1998, pursuant to a directive from President Bill Clinton to privatize and internationalize the DNS, the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) delegated authority to ICANN under a contract to coordinate certain policies governing the DNS.[2] ICANN is a non-profit organization consisting of over 160 foreign countries, including Russia and China, as well as private organizations. ICANN is headquartered in Los Angeles and subject to California law.[3]

Transfer of Internet Oversight from the U.S. to ICANN

The NTIA maintained its contract with ICANN until September 2015.[4] On September 30, 2016, the Obama administration transitioned full oversight and responsibility of Internet domains to ICANN.

Critics of the transfer argued that ceding the U.S. Government's remaining oversight of ICANN would also cede First Amendment protections over the Internet.[5] In 2015, the House passed the Domain Openness Through Continued Oversight Matters (DOTCOM) Act by a vote of 378-25.[6] The DOTCOM Act would have retained NTIA oversight until ICANN reported complying with certain certifications. In 2016, a Texas judge blocked a last-minute attempt by four U.S. states to force NTIA to retain its ICANN oversight.[7]

Advocates of the transfer to the ICANN multistakeholder model countered that retaining limited U.S. oversight would exacerbate authoritarian nations' attempts to seize Internet control.[8] In 2012, for example, Russia, China, and other adversarial nations supported transferring Internet control to the United Nations' (UN) International Telecommunications Union (ITU), citing concerns over perceived U.S. control and influence. The vote failed due to the U.S. and three allied dissenting nations.[9] In its dissenting opinion, the U.S.-led delegation asserted that "the United States continues to believe that internet policy must be multistakeholder-driven [that] should not be determined by member states, but by citizens, communities, and broader society."[10] In 2016, former NTIA Administrator Strickling testified before Congress that blocking the transition would be a "gift to Russia" and other authoritarian regimes.[11]

Authoritarian Nations Pursue Alternative "Independent Internet"

Unfortunately, terminating the U.S. contract with ICANN has not deterred adversarial nations such as Russia and China from continuing to aggressively pursue alternatives to the Internet. According to Robert Knake who worked on the ICANN transfer, 2019 marks "the beginning of the end" for the open Internet, as China, Russia, and other authoritarian nations will continue to "establish a separate root system for their share of the internet."[1212] Mr. Knake notes that adversarial nations can "simply replicate the root zone file from the ICANN controlled root, providing the exact name resolution as the domain name system that ICANN manages."[13]

Russia has particularly escalated efforts to develop alternatives to the free and open Internet.

- **Creating a new, alternative "BRICS Internet."** In November 2017, one year after the full U.S.-ICANN transition, Kremlin press secretary Dmitry Peskov told state-sponsored propaganda news outlet *RT* that President Putin "had approved a plan" to create an "alternate" and "independent Internet" for BRICS nations – Brazil, Russia, India, China, and South Africa – by August 1, 2018 to "shield them from 'possible external influence,'" particularly U.S. influence.[14] If a separate and independent "BRICS Internet" is successfully developed, it would pose an existential threat to the free and open Internet, as the U.S. and allies may be cut off from over half of the world's Internet users.

- **Blocking Russians' Access to the current Internet.** In May 2019, Russia passed a broad internet censorship law, often referred to as the internet sovereignty law, or the "online Iron Curtain."[15] The law requires Russian internet service providers (ISPs) to route information traffic through state-sponsored exchange points, effectively creating its own DNS.[16] It also authorizes the Kremlin to disconnect Russia from the world wide web "in an emergency."[17]
  - Russia's internet sovereignty law builds off of previous internet censorship efforts, such as a March 2019 law authorizing Russia to impose fines on actors deemed by the government to be spreading "fake news" and demonstrating "blatant disrespect" toward state authorities.[18]

- **Disconnecting from the Internet and testing a Russian alternative.** On December 29, 2019, Russia claimed it successfully disconnected from the global Internet and tested its own alternative "without ordinary users…noticing [the change]."[19]

Post-U.S. oversight attempts by ICANN to assuage Chinese Communist Party concerns have also yielded little results. China, ranked by Freedom House in 2018 as the "worst offender of internet freedom" for the fourth year in a row,[20] has progressively implemented the world's largest series of policies to enforce domestic seizure of Internet information flow, referred to as the "Great Firewall."[21] According to Mr. Knake, ICANN's efforts to establish "more instances of root servers [within China]," for example, has "done little to slow Chinese ambitions to break from the global internet. The reason is simple – a global internet that is open and free is not compatible with a Chinese state that views openness and freedom as a threat to its stability."[22]

POLICY SOLUTIONS

Although the United States has no current statutory authority over the Internet's DNS,[23] Congress may consider options to conduct oversight of ICANN's governance of DNS that may have economic or national security implications.

Domestically, Congress must reject legislation and regulations which mirror those taken by authoritarian nations around the globe seeking to stifle individual speech and freedom of the press. For example, Sen. Elizabeth Warren (D-MA) released a proposal to impose civil and criminal penalties on actors who "knowingly disseminat[e] false information about when and how to vote in U.S. elections" for the "explicit purpose of undermining" voter turnout.[24] The proposal directly marks government exercising control over private U.S. social media organizations over political disagreement about policing information disseminated by users on their platforms.

- Congress must consider the similarities between Sen. Warren's proposal and the Russian law passed in March 2019, which imposes punitive damages to punish what the government decrees to be considered "fake news." Other laws which curb online freedoms, such as banning popular encrypted devices,[25] should similarly be viewed with skepticism.

Furthermore, the U.S. should aggressively seek to expand international access to U.S. goods and services. A globally competitive United States creates consumer pressure on authoritarian regimes for access to information, services, and products that reflect America's values. This effort requires proactive trade policy measures such as:

- Streamlining regulations to empower private sector innovations in cybersecurity and encouraging technological dissemination across domestic and allied industries; and
- Accommodating domestic and allied industries seeking to move supply chains away from China and build them domestically or in allied countries.

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[1] According to CRS, "The Internet is often described as a 'network of networks' because it is not a single physical entity, but hundreds of thousands of interconnected networks linking [millions] of computers around the world. AS such, the Internet is international, decentralized, and comprised of networks and infrastructure largely owned and operated by entities." Lennard G. Kruger, Cong. Research Serv., R44042, *The Future of Internet Governance: Should the United States Relinquish its Authority over ICANN?* (2016), https://www.crs.gov/Reports/R44022?source=search&guid=bd9e9ef24eab4bf4ab023d328c5af21d&index=0.

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[14] Referring to the U.S., Mr. Peskov stated, "We all know who the chief administrator of the global Internet is. And due to its volatility,

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