110TH CONGRESS
2D SESSION

S. RES. 564

Expressing the sense of the Senate regarding oversight of the Internet Corporation for Assigned Names and Numbers.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2008

Ms. SNOWE (for herself, Mr. THUNE, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. COLEMAN, Mr. STEVENS, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation

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RESOLUTION

Expressing the sense of the Senate regarding oversight of the Internet Corporation for Assigned Names and Numbers.

Whereas, more than 35 years ago, the Federal Government began funding research necessary to develop packet-switching technology and communications networks, starting with the ''ARPANET'' network established by the Department of Defense's Advanced Research Projects Agency (DARPA) in the 1960s;

Whereas, during the 1970s, DARPA also funded the development of a ''network of networks'', which became known as the Internet;

Whereas the National Science Foundation (NSF) in 1987 awarded a contract to the International Business Ma-

chines Corporation (IBM), MCI Incorporated, and Merit Network, Incorporated, to develop ''NSFNET'', a national high-speed network based on Internet protocols, that provided a ''backbone'' to connect other networks serving more than 4,000 research and educational institutions throughout the country;

Whereas Congress knew of the vast impact the Internet could have and the requirement of private sector investment, development, technical management, and coordination to achieve that potential, so in 1992 Congress gave NSF statutory authority to allow commercial activity on the NSFNET;

Whereas today the industry, through private sector investment, management, and coordination, has become a global communications network of infinite value;

Whereas part of the ARPANET development process was to create and maintain a list of network host names and addresses, which was initially done by Dr. Jonathan Postel at the University of Southern California (USC), and eventually these functions became known as the Internet Assigned Numbers Authority (IANA);

Whereas Dr. Postel's performance of these functions was initially funded by the Federal Government under a contract between the DARPA and USC's Information Sciences Institute (ISI), however, responsibility for these functions was subsequently transferred to the Internet Corporation for Assigned Names and Numbers (ICANN);

Whereas ICANN performs the IANA functions, which include Internet Protocol (IP) address allocation, Domain Name System (DNS) root zone coordination, and the coordina-

tion of technical protocol parameters, through a contract with the Department of Commerce;

Whereas, since its inception, the performance of the IANA functions contract has been physically located in the United States;

Whereas the DNS root zone file contains records of the operators of more than 280 top-level domains (TLDs);

Whereas, as of December 31, 2007, more than 153,000,000 domain names have been registered worldwide across all of the Top Level Domain Names;

Whereas, since 2000, the Internet community has worked toward providing non-English speakers a way to navigate the Internet in their own language through the use of Internationalized Domain Names (IDNs);

Whereas, according to ICANN, of the 905 ICANN-accredited domain name registrars, 571 of them (63 percent) are based in the United States;

Whereas ICANN intends to introduce approximately 900 new Top Level Domains over the next several years;

Whereas, in January 2007, approximately 51,000,000 domain names were registered, but only 3,000,000 were eventually paid for, and more than 48,000,000 were left to expire after the 5 day registration grace period;

Whereas the World Intellectual Property Organization reported in April 2007 that the number of Internet domain name cybersquatting disputes increased 25 percent in 2006;

Whereas a 2006 Zogby Interactive poll of small business owners found that 78 percent of those polled stated that a less reliable Internet would damage their business;

Whereas, understanding that the Internet was rapidly becoming an international medium for commerce, education, and communication, and that the initial means of organizing its technical functions needed to evolve, the United States issued the ''White Paper'' in 1998, stating its support for transitioning the management of Internet names and addresses to the private sector in a manner that allows for the development of robust competition and facilitate global participation in Internet management;

Whereas the Federal Government is committed to working with the international community to address its concerns, bearing in mind the need for stability and security of the Internet's domain name and addressing system;

Whereas the United States has been committed to the principles of freedom of expression and the free flow of information, as expressed in article 19 of the Universal Declaration of Human Rights, done at Paris December 10, 1948, and reaffirmed in the Geneva Declaration of Principles adopted at the first phase of the World Summit on the Information Society, December 12, 2003;

Whereas the United States Principles on the Internet's Domain Name and Addressing System, issued on June 30, 2005, stated that the United States government intends to preserve the security and stability of the Internet's Domain Name and Addressing System (DNS), that governments have legitimate interest in the management of their country code top level domains (ccTLDs), and that ICANN is the appropriate manager of the Internet DNS;

Whereas all stakeholders from around the world, including governments, are encouraged to advise ICANN in its decision-making;

Whereas ICANN has made progress in its efforts to ensure that the views of governments and all Internet stakeholders are reflected in its activities;

Whereas the Organisation for Economic Co-operation and Development has issued consumer policy guidelines calling for online businesses to ''provide accurate, clear and easily accessible information about themselves sufficient to allow, at a minimum . . . prompt easy and effective consumer communication with the business'', and ''businesses that provide false contact information can undermine the online experience of a consumer that decides to conduct a WHOIS search about the business''; and

Whereas the WHOIS databases provide a crucial tool for law enforcement to track down online fraud, identity theft, and other online illegal activity, but law enforcement is often hindered in the pursuit of perpetrators because the perpetrators are hiding behind the anonymity of proxy or false registration information: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) while the Internet Corporation for Assigned Names and Numbers (ICANN) has made progress in the areas of transparency and accountability as directed by the Joint Project Agreement (JPA), the unique role ICANN has in the coordination of the technical management functions related to the domain name and addressing system, and the direct effects of the decisions ICANN makes on thousands of businesses with an online presence and millions of Internet users, make it critical that more progress

be made by ICANN in areas of transparency, accountability, and security for improved stability of the Domain Name and Addressing System (DNS) and the Internet;

(2) the private sector's ongoing success in investing, building, and developing the Internet is unparalleled and industry self-regulation must be assured through more effective contract compliance efforts by ICANN;

(3) WHOIS databases provide a vital tool for businesses, the Federal Trade Commission, and other law enforcement agencies to track down brand infringement, online fraud, identity theft, and other online illegal activity, as well as for consumers to determine the availability of domain names and to easily and effectively communicate with online businesses;

(4) increased involvement and participation in various ICANN processes by international private sector organizations should be encouraged;

(5) the United States and other countries should continue to allow the marketplace to work and allow private industries to lead in the management and coordination of the DNS;

(6) the performance of the Internet Assigned Numbers Authority (IANA) functions contract, including updates of the root zone file, should remain physically located within the United States, and the Secretary of Commerce should maintain oversight of this contract; and

(7) ICANN should continue to manage the day-to-day operation of the Internet's Domain Name and Addressing System well, to remain responsive to all Internet stakeholders worldwide, and to otherwise fulfill its core technical mission.

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