



Written by [Raven Clabough](#) on June 30, 2010

Senate Panel Passes Potential Threat to Internet

Senator Joe Lieberman, alongside other lawmakers, has drafted a bill that, critics say, gives the President of the United States the power to shut down the Internet. The Protecting Cyberspace as a National Asset Act was unanimously approved June 25 by the Senate Homeland Security and Governmental Affairs Committee and now awaits a vote on the Senate floor, though a date for such a vote has not been set.



In response to the critics who assert that the act will provide the President with greater authority, the bill's supporters contend that the act will actually limit the President's powers which would cause "the closing of any facility or stations for wire communication" during wartime, as relegated by the Communications Act of 1934.

The bill creates a White House Office for Cyberspace Policy and a National Center for Cybersecurity and Communications, which, teamed up with private U.S. companies, would create Internet requirements related to cybersecurity.

In addition to the new office, the bill also provides the President with the authority to take "emergency actions" in the name of protecting the Internet, including ordering the implementation of emergency response plans during a so-called "cyberemergency." The emergency response plans can last up to 120 days and can be extended pending congressional approval and an amendment to the legislation.

Additionally, the bill gives the Department of Homeland Security greater control by allowing the department to respond to cyberattacks.

Twenty-four civil liberties groups addressed a letter to the bill's sponsors articulating concerns over potential violations of civil rights. The letter takes issue with the National Center for Cybersecurity and Communications' "significant authority" over critical infrastructure, since "critical infrastructure" remains undefined.

The concerns outlined by the civil liberties groups are that agenda-drive politicians can use the lack of definition for critical infrastructure to "include elements of the Internet that Americans rely on every day to engage in free speech and to access information."

The groups assert that in order for the act to be supportable, "changes are needed to ensure that cybersecurity measures do not unnecessarily infringe on free speech, privacy, and other civil liberties interests."

Of the 24 groups are the American Civil Liberties Union and the Center for Democracy and Technology. Other critics argue that the bill will actually do the opposite of its unintended effects because it



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interferes with the free market of competitive security programs. Wayne Crews, vice president for policy and director of technology studies at the Competitive Enterprise Insititute, asserts that without government interference, security products operate best in a competitive market:

The unmistakable tenor of the cybersecurity discussion today is that of government steering while the market rows. To be sure, law enforcement has a crucial role in punishing intrusions on private networks and infrastructure. But government must coexist with, rather than crowd out, private sector security technologies.

The bill has support of both Democrats, like Tom Carper, and Republicans, like Susan Collins. As of now, there is no date set for a vote on the Senate floor.

Photo: Sen. Lieberman



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