

111TH CONGRESS  
2D SESSION

# S. RES. 405

Reaffirming the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2010

Mr. KAUFMAN (for himself, Mr. BROWNBACK, Mr. CASEY, Mr. KYL, Mr. FEINGOLD, Mr. WEBB, Mr. LIEBERMAN, Mr. SPECTER, Mr. MCCAIN, and Mr. CORNYN) submitted the following resolution; which was considered and agreed to

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## RESOLUTION

Reaffirming the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights, and for other purposes.

Whereas Google announced on January 12, 2010, the mid-December 2009 discovery that it had been victimized by a highly sophisticated and targeted cyber attack on its corporate infrastructure originating from China that resulted in the theft of its intellectual property;

Whereas Google also announced it had evidence to suggest that a primary goal of the attackers was accessing the Gmail accounts of Chinese human rights activists, and that the evidence revealed separate attempts to penetrate

Gmail accounts of Chinese human rights activists, journalists, and dissidents in the United States, Europe, and China;

Whereas the targeting of Google is believed to be part of a larger effort to access the computer networks of at least 34 companies, including major financial, defense, media, and technology firms and research institutions in the United States;

Whereas this attack was one in a series of attempts to exploit security flaws and illegally access computer networks of individuals and institutions through the clandestine installation of phishing and malware technology;

Whereas the 2009 “Report to Congress of the US-China Economic and Security Review Commission” stated that “a significant and increasing body of circumstantial and forensic evidence strongly indicates the involvement of Chinese state and state-supported entities” in malicious computer activities against the United States;

Whereas approximately 338,000,000 Internet users in China represent the largest population of Internet users worldwide, and the Government of China employs a sophisticated, multi-layered, and wide-ranging apparatus to curtail Internet freedom, as detailed in the 2009 “Freedom on the Net” report by the Freedom House organization;

Whereas Article 35 of the constitution of the People’s Republic of China guarantees freedom of speech, assembly, association, and publication;

Whereas authorities in China employ legal and economic means to coerce Internet service providers, web hosting firms, and mobile phone companies to delete and censor online content and discussions created by Chinese users;

Whereas the Government of China requires domestic Chinese and foreign companies with subsidiaries in China, including Google, to adjust their business practices to allow increased filtering and supervision by the Government of China, restricting content allowed by technology-based products, and censoring data available on search engines;

Whereas, in 2003, the Government of China implemented the Golden Shield Project to control access and information on the Internet on grounds of public safety, including through protocol address blocking, domain name system filtering and redirection, uniform resource locator filtering, packet filtering, connection resets, and other on-line methods that could amount to censorship of high-value speech;

Whereas the Government of China frequently blocks United States international broadcasting by Radio Free Asia (RFA) and Voice of America (VOA), despite the unimpeded broadcast in the United States of state-run media outlets in China, China Central Television, and China Radio International;

Whereas, as of December 1, 2009, China had imprisoned 24 traditional and online journalists, accounting for nearly 20 percent of all imprisoned journalists worldwide at that time, according to the annual prison census of the Committee to Protect Journalists;

Whereas, following riots in the Xinjiang region of China in July 2009, more than 50 Uighur-language Internet forums were closed and communications were cut in Urumqi, China, and foreign journalists visiting the area were closely monitored by the authorities;

Whereas, during the Summer 2008 Olympics in Beijing, limits were placed on freedom of expression and media coverage, contrary to previous commitments made by the Government of China to the International Olympic Committee;

Whereas ill-defined charges such as “subversion of the government” and “disseminating rumors” serve as the legal basis to sentence journalists, bloggers, and others who express or disseminate views critical of the Government of China; and

Whereas, on January 21, 2010, Secretary of State Hillary Clinton pledged enhanced United States support for Internet freedom, saying, “We stand for a single internet where all of humanity has equal access to knowledge and ideas. . . countries that restrict free access to information or violate the basic rights of internet users risk walling themselves off from the progress of the next century.”: Now, therefore, be it

1       *Resolved*, That the Senate—

2           (1) reaffirms the centrality of freedom of ex-  
3       pression and press freedom as cornerstones of  
4       United States foreign policy and United States ef-  
5       forts to promote individual rights;

6           (2) expresses serious concern over ongoing offi-  
7       cial efforts in many countries to restrict speech and  
8       expression, including attempts to censor, restrict,  
9       and monitor access to the Internet;

10          (3) welcomes the diplomatic initiative an-  
11       nounced by Secretary of State Hillary Clinton on

1       January 21, 2010, to encourage Internet freedom  
2       globally by “supporting the development of new tools  
3       that enable citizens to exercise their rights of free  
4       expression by circumventing politically motivated  
5       censorship. . .with a focus on implementing these  
6       programs as efficiently and effectively as possible”;

7           (4) condemns the far-reaching cyber attacks al-  
8       legedly launched from China against Google, at least  
9       34 other companies, and numerous individuals dis-  
10      covered in December 2009;

11          (5) calls on the Government of China to con-  
12      duct a thorough review of these cyber intrusions,  
13      and to make the investigation and its results trans-  
14      parent;

15          (6) pays tribute to the professional and citizen  
16      journalists who persevere in their dedication to re-  
17      port in China;

18          (7) urges companies to engage in responsible  
19      business practices in the face of efforts by foreign  
20      governments to restrict the free flow of information  
21      by refusing to aid in the curtailment of free expres-  
22      sion; and

23          (8) calls on the President and the Secretary of  
24      State to develop means by which the United States  
25      Government can more rapidly identify, publicize, and

- 1        respond to threats against freedom of press and
- 2        freedom of expression around the world, including
- 3        through support of new and existing censorship cir-
- 4        cumvention technology.

