

other devices that connect to the Internet. In the same way that automobiles cannot and should not be sold or operated on public highways unless they meet certain minimum safety standards, minimum Internet and cybersecurity safety standards are essential for the nation's information superhighway.

As a result, today I am introducing the Internet and Cybersecurity Safety Standards Act, ICSSA. My bill will require the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Commerce, to conduct an analysis to determine the costs and benefits of requiring internet service providers and others to develop and enforce minimum Internet and cybersecurity safety standards. The Secretary will be required to consider all relevant factors in this analysis, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards would have on homeland security, the global economy, innovation, individual liberty, and privacy. My bill will also require the Secretary of Homeland Security, the Attorney General and the Secretary of Commerce to consult with relevant stakeholders in the Government and, most importantly, the private sector, including the academic community and groups or institutions that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources. The private sector must be a partner in the efforts to secure the nation's information superhighway. Under my bill, the Secretary of Homeland Security will be required to report to Congress within one year with specific recommendations for minimum voluntary or mandatory Internet and cybersecurity standards for computers and other devices that connect to the Internet, so that we can prevent them from being used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors.

In December of 2009, I praised the appointment of Howard Schmidt as the new White House Cybersecurity Coordinator to make sure that agencies are all working together on this critical challenge. In April of this year, I also stressed with Secretary Napolitano, at a Senate Judiciary Committee oversight hearing for the Department of Homeland Security, the need to continue to make cybersecurity a top priority. But we can and must do more. My bill will help secure our nation's digital future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet and Cybersecurity Safety Standards Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **COMPUTERS.**—Except as otherwise specifically provided, the term "computers" means computers and other devices that connect to the Internet.

(2) **PROVIDERS.**—The term "providers" means Internet service providers, communications service providers, electronic messaging providers, electronic mail providers, and other persons who provide a service or capability to enable computers to connect to the Internet.

(3) **SECRETARY.**—Except as otherwise specifically provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) While the Internet has had a profound impact on the daily lives of the people of the United States by enhancing communications, commerce, education, and socialization between and among persons regardless of their location, computers may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors, and, therefore, computers pose a risk to computer networks, critical infrastructure, and key resources in the United States. Indeed, users of computers are generally unaware that their computers may be used, exploited, and compromised by others with spam, viruses, and other malicious software and agents.

(2) Since computer networks, critical infrastructure, and key resources of the United States are at risk of being compromised, disrupted, damaged, or destroyed by terrorists, criminals, spies, and other malicious actors who use computers, Internet and cybersecurity safety is an urgent homeland security issue that needs to be addressed by providers, technology companies, and persons who use computers.

(3) The Government and the private sector need to work together to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying the computer networks, critical infrastructure, and key resources of the United States.

SEC. 4. COST-BENEFIT ANALYSIS.

(a) **REQUIREMENT FOR ANALYSIS.**—The Secretary, in consultation with the Attorney General and the Secretary of Commerce, shall conduct an analysis to determine the costs and benefits of requiring providers to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) **FACTORS.**—In conducting the analysis required by subsection (a), the Secretary shall consider all relevant factors, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards may have on homeland security, the global economy, innovation, individual liberty, and privacy.

SEC. 5. CONSULTATION.

In conducting the analysis required by section 4, the Secretary, in consultation with the Attorney General and the Secretary of Commerce, shall consult with relevant stakeholders in the Government and the private sector, including the academic community, groups, or other institutions, that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources.

SEC. 6. REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a final report on the results of the analysis required by section 4. Such report shall include the consensus recommendations, if any, for minimum voluntary or mandatory Internet and cybersecurity safety standards that should be developed and enforced for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 698—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE TERRITORIAL INTEGRITY OF GEORGIA AND THE SITUATION WITHIN GEORGIA'S INTERNATIONALLY RECOGNIZED BORDERS

Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 698

Whereas, since 1993, the territorial integrity of Georgia has been reaffirmed by the international community and 36 United Nations Security Council resolutions;

Whereas the Helsinki Final Act resulting from the Conference on Security and Cooperation in Europe in 1975 states that parties "shall regard as inviolable all one another's frontiers" and that "participating States will likewise refrain from making each other's territory the object of military occupation";

Whereas the United States-Georgia Strategic Charter, signed on January 9, 2009, underscores that "support for each other's sovereignty, independence, territorial integrity and inviolability of borders constitutes the foundation of our bilateral relations";

Whereas, in October 2010, at the meeting of the United States-Georgia Charter on Strategic Partnership, Secretary of State Clinton stated, "The United States will not waiver in its support for Georgia's sovereignty and territorial integrity";

Whereas the White House released a fact sheet on July 24, 2010, calling for "Russia to end its occupation of the Georgian territories of Abkhazia and South Ossetia" and for "a return of international observers to the two occupied regions of Georgia";

Whereas Vice President Joseph Biden stated in Tbilisi in July 2009 that the United States "will not recognize Abkhazia and South Ossetia as independent states" and went on to "urge the world not to recognize [Abkhazia and South Ossetia] as independent states";

Whereas the August 2008 conflict between the Governments of Russia and Georgia resulted in civilian and military casualties, the violation of the sovereignty and territorial integrity of Georgia, and large numbers of internally-displaced persons;

Whereas the August 12, 2008, ceasefire agreement, agreed to by the Governments of Russia and Georgia, provides that all Russian troops shall be withdrawn to pre-conflict positions;

Whereas the August 12, 2008, ceasefire agreement provides that free access shall be granted to organizations providing humanitarian assistance in regions affected by violence in August 2008;

Whereas the International Crisis Group concluded in its June 7, 2010, report on South Ossetia that "Moscow has not kept important ceasefire commitments, and some 20,000 ethnic Georgians from the region remain forcibly displaced";

Whereas Human Rights Watch concluded in its World Report 2010 that "Russia continued to exercise effective control over South Ossetia and . . . Abkhazia, preventing international observers' access and vetoing international missions working there";

Whereas, in October 2010, Russian troops withdrew from the small Georgian village of Perevi;

Whereas the withdrawal of Russian troops from Perevi is a positive step, but it does not constitute compliance with the terms of the August 2008 Russia-Georgia ceasefire agreement;

Whereas, on November 23, 2010, before the European Parliament, Georgian President Saakashvili committed Georgia to not use force to restore control over the Georgian territories of Abkhazia and South Ossetia;

Whereas Secretary of State Clinton stated in Tbilisi on July 5, 2010, "We continue to call for Russia to abide by the August 2008 cease-fire commitment . . . including ending the occupation and withdrawing Russian troops from South Ossetia and Abkhazia to their pre-conflict positions";

Whereas the Russian Federation vetoed the extension of the Organization for Security and Co-operation in Europe (OSCE) Mission to Georgia and the United Nations Observer Mission in Georgia, forcing the missions to withdraw from the regions of South Ossetia and Abkhazia;

Whereas Russian troops stationed in the regions of Abkhazia and South Ossetia continue to be present without a mandate from the United Nations or other multilateral organizations;

Whereas the Senate supports United States efforts to develop a productive relationship with the Russian Federation in areas of mutual interest, including non-proliferation and arms control, cooperation concerning the failure of the Government of Iran to meet its international obligations with regard to its nuclear programs, counter-terrorism, Afghanistan, anti-piracy, economics and trade, and others; and

Whereas the Senate agrees that these efforts must not compromise longstanding United States policy, principles of the Helsinki Final Act, and United States support for United States allies and partners worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is the policy of the United States to support the sovereignty, independence, and territorial integrity of Georgia and the inviolability of its borders and to recognize the areas of Abkhazia and South Ossetia as regions of Georgia occupied by the Russian Federation;

(2) calls upon the Government of Russia to take steps to fulfill all the terms and conditions of the 2008 ceasefire agreements, including returning military forces to pre-war

positions and ensuring access to international humanitarian aid to all those affected by the conflict;

(3) urges the Government of Russia and the de facto authorities in the regions of South Ossetia and Abkhazia to allow for the full and dignified return of internally-displaced persons and international observer missions to the territories of Abkhazia and South Ossetia;

(4) supports constructive engagement and confidence-building measures between the Government of Georgia and the de facto authorities in the regions of South Ossetia and Abkhazia; and

(5) affirms that the path to lasting stability in this region is through peaceful means and long-term diplomatic and political dialogue.

SENATE RESOLUTION 699—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF ST. PAUL V. IRENE VICTORIA ANDREWS, BRUCE JEROME BERRY, JOHN JOSEPH BRAUN, DAVID EUGENE LUCE, AND ELIZABETH ANN MCKENZIE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 699

Whereas, in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, Case No. 10-071-634, pending in Ramsey County District Court in St. Paul, Minnesota, the prosecution has sought testimony from Shelly Schafer, an employee of Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shelly Schafer is authorized to testify in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Shelly Schafer, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for mili-

tary construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4747. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4748. Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, Mr. LEAHY, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4749. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4750. Mr. WYDEN (for Mr. KERRY) proposed an amendment to the bill S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

SA 4751. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes.

SA 4752. Mr. WYDEN proposed an amendment to the bill S. 2925, supra.

SA 4753. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SA 4754. Mr. REID proposed an amendment to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, supra.

SA 4755. Mr. REID proposed an amendment to the bill H.R. 4853, supra.

SA 4756. Mr. REID proposed an amendment to amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4757. Mr. REID proposed an amendment to amendment SA 4756 proposed by Mr. REID to the amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4758. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate end of subtitle B of title X, add the following:

SEC. 1012. REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.

(a) IN GENERAL.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167-09—