



Senate Advances to Propose Amendments on Cyber Bill

On Thursday, the United States Senate [voted](#) in favor of moving forward on the Cybersecurity Act of 2012. Senators are now filing proposed amendments in preparation for a vote on the legislation to take place next week. Perhaps predictably, in the wake of the Aurora Colorado movie theater shooting that took place last week, Democratic Senators have offered an amendment to the cyber-security bill that limits the purchase of high capacity gun magazines for some consumers.



The Senate voted 84-11 on a motion to proceed to the Cybersecurity Act of 2012, which is touted as a bill that focus is on protecting the electric grid, water systems, financial networks and transportation systems from the threat of cyber attacks.

The following are those who voted against advancing the bill: Republican Senators Mike Johanns, Rand Paul, Ron Johnson, Marco Rubio, Dean Heller, Pat Roberts, Mike Enzi, John Barrasso, and Jerry Moran. Democratic Senators Jon Tester and Max Baucus voted against advancing the measure as well.

The Cybersecurity Act of 2012 has been the subject of some criticism as privacy advocates feared that the bill would pose too many threats to the constitutional rights of the American people.

Likewise, the United States Chamber of Commerce and IBM sent out letters to show their opposition for the original bill, asserting that it would overwhelm the industry with regulations.

In response to the criticism, Senator Lieberman reformed the original bill.

For example, the updated version of the bill reflects changes to the provision to assign the Department of Homeland Security the role of creating mandatory cyber security standards for infrastructure industries.

The newer version of the bill does not include language for “mandatory, regulatory sections,” but still requires a creation of industry best practice standards for the purposes of protecting critical infrastructure, but rather than making the adoption of those standards mandatory, the owners of the critical infrastructure adopt “voluntary” standards. The bill offers incentives to adopt those standards, such as liability protection, and access to threat information.

Some contend that the revisions are not ideal, however, as it gives the government the power to deny threat information to critical infrastructure owners who choose not to comply with the voluntary standards. Likewise, the incentives are too insignificant to fully incentivize any company to adopt the standards.

Meanwhile, Thursday’s vote cleared the way for amendments to be proposed.

Senator Chuck Schumer of New York [submitted](#) a gun control amendment, co-sponsored by Democratic Senators Frank Lautenberg, Barbara Boxer, Jack Reed, Bob Menendez, Kirsten Gillibrand, and Dianne Feinstein, that would make it illegal to own or transfer “large capacity feeding devices.” Those devices



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include magazines, belts, feed stripes and drums of more than 10 rounds of ammunition.

Hot Air [notes](#) a number of issues with Schumer's amendment:

Perhaps it might be "reasonable" to restrict the high-capacity drum magazines to military and law-enforcement uses, but that's only if you think that someone could benefit from the need of a shooter to repeatedly reload. Let's not forget that Aurora forbids anyone from carrying or discharging a weapon at all, and so did the theater in which the massacre took place. The perpetrator had no problem switching weapons and/or reloading because Aurora had already disarmed his victims through their "reasonable" gun control statutes and rules. This regulation would have made absolutely no difference in the shooting which Democrats have used to launch this new law.

President Obama entered the debate on the subject on Wednesday when he declared that only soldiers need semi-automatic high capacity firearms.

The proposed amendment is "identical to a separate bill sponsored by Lautenberg," notes The Hill. The amendment, if passed, would only apply to sales and transfers that take place.

Schumer defended the amendment on the Senate floor on Thursday, asserting, "The basic complaint is that the Chuck Schumers of the world want to take away your guns," Schumer said of the argument made by gun lobbies. "I think it would be smart for those of us who want rational gun control to make it know that that's not true at all."

Schumer asserts that background checks is necessary for those buying guns, a provision found in the Brady law, and argued that the average American does not need an assault weapon for self-defense or hunting.

"We can debate where to draw the line of reasonableness, but we might be able to come to an agreement in the middle," Schumer said. "Maybe, maybe, maybe we can pass some laws that might, might, might stop some of the unnecessary casualties ... maybe there's a way we can come together and try to break through the log jam and make sure the country is a better place."

Expecting opposition from Republicans, Schumer said, "Maybe we could come together on guns if each side gave some."

Senator Reid is inviting members of the Senate to propose any amendments necessary for Senators to feel comfortable voting in favor of the legislation.

"There's plenty of room for changes," Reid said on the floor Thursday. "Let's have as many amendments as people feel appropriate."

But some doubt just how open the amendment process will be. Senator Kay Bailey Hutchison, sponsor of the competing Secure It Act said, "I don't think anyone in our group wants to hold up dealing with cybersecurity. We know that America's systems could be under threat and some have been hacked into already. As long as we have an amendment process and are not shut out of this, we will vote to move forward to the bill."

Reid has reportedly been meeting with the sponsors of the Secure IT Act in the hopes of making significant enough concessions to bridge the two bills.

According to Senator Susan Collins, a Republican sponsor of the Cybersecurity Act, significant changes have already been made to the original bill and the Senate should move forward to pass the bill.

"We have revised our bill in a very substantial way," Collins said, reiterating that many of the standards



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related to the private sector are now optional. “This shows a willingness to adopt changes, and we’re still open to changes.”

Photo: U.S. Sen. Frank Lautenberg (D-N.J.) left, and U.S. Sen. Charles Schumer (D-N.Y.) get together on May 9, 2011.



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