



November 23, 2009

Honorable Nancy Pelosi  
Speaker of the United States House of Representatives  
H-232, The US Capitol  
Washington, DC 20515

Honorable John Boehner  
Minority Leader of the United States House of Representatives  
H-204, The US Capitol  
Washington, DC 20515

Dear Madame Speaker and Minority Leader Boehner:

I write today to urge your consideration and creation of a new Select Committee on Cybersecurity.

While it's a problem we'd rather not think about or deal with, a significant cyber incident could pose a major threat to our country by disrupting commerce and our ability to defend ourselves. Indeed, experts from the military and the private sector agree that we are not doing enough to prevent a cyber 9/11.

Part of the problem preventing Congress from addressing this issue is that multiple committees currently have jurisdiction over cybersecurity. This diffusion of responsibility prevents the Congress from taking effective action. Establishing a new Select Committee on Cybersecurity will make it easier to address the complex problems associated with cybersecurity.

A cyber attack could very easily collapse Wall Street, destroy the electrical grid of the Northeast, and/or have a cascading impact on our banking system. Cyber criminals and cyber terrorists are getting smarter and stronger by the day, and their methods are increasingly more sophisticated. Adequate protections are not yet in place to safeguard our nation, so it is imperative that the Congress address this problem in a comprehensive manner.

Let's examine some facts that demonstrate the magnitude of the problem:

- Over 32,000 suspected cyber attacks occur in the U.S. every day.
- In 2008, DOD experienced an estimated 80,000 detrimental attacks on their networks.
- According to the FBI, over 10 million Americans are the victims of identity theft each year.
- A 28 year old masterminded a scheme that caused the data breach of more than 40 million credit card numbers, costing one single company over \$200 million.
- Utilities, such as our electrical grid, are targets of malicious attacks and are hit over 1,000 times a year.
- In April of 2007, Estonia was struck by a Russian-based cyber attack that tied up their telephone exchanges, government ministries and their banks.
- Al Qaeda's Internet logs mark a terrorist browser's path through the Internet on sites that offer programming instructions for digital switches, running power, water, transport and communication grids.

In this post 9/11 world, we should know that preparation is the only way to avoid disaster. But when you consider that most of the major authorizing committees and the Appropriations Committee have jurisdiction over some aspects of cybersecurity, you begin to understand that we have a problem.

The committees with jurisdiction over this issue include the Energy and Commerce Committee, the Armed Services Committee, the Government Reform and Oversight Committee, the Judiciary Committee, the Homeland Security Committee, the Science Committee and of course, the committee in which I chaired, the Appropriations Committee. Yet, each of these only examines cybersecurity from the vantage point of their committee's jurisdiction. This fragmentation does not allow for any of the committees to have a comprehensive understanding of the problem and is a deterrent to effective legislative action.

The Congress needs to do more to safeguard the American public in this area. A Select Committee on Cybersecurity should be established to recommend a unified course of action with respect to the new laws that are needed to govern cyberspace. Note: The Select Committee should not be permanent nor need legislative authority. A Select Committee on Cybersecurity would augment, not replace, the existing Congressional committee structure. It should, however, be directed to make recommendations for legislation.

The term cybersecurity is so broad that it encompasses matters ranging from on-line banking safety to war fighting capabilities. Beyond the national security implications, there are also important civil liberty and economic considerations. As a nation, we lose tens of billions of dollars each year in valuable intellectual property.

Thus, to maximize its effectiveness, the Select Committee should have two subcommittees: the first dealing with issues involving national security and intelligence and the second focused on matters such as on-line crime, critical infrastructure protection and other commercial sector activities. The senior members of the Armed Services and Intelligence Committees should serve on the subcommittee involved in these issues, while the Chairmen and Ranking Members of the major authorizing committees should serve on the domestic subcommittee dealing with the “.gov” and “.com” worlds.

The establishment of a Select Committee on Cybersecurity would be an important tool for the Congress to better address this growing threat to our nation. Fighting cyber criminals and cyber terrorists requires a higher degree of vigilance and urgency. Cyberspace has no boundaries, and we must do everything possible to protect our country from cyber threats.

The establishment of a Select Committee on Cybersecurity would be a signal that the Congressional leadership of this country understands the nature and seriousness of this threat.

Most respectfully,

A handwritten signature in black ink, appearing to read "R. Livingston". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Robert L. Livingston  
Member of Congress (Retired)