

United States Senate  
WASHINGTON, DC 20510

February 14, 2012

Senator Harry Reid  
Senate Majority Leader  
United States Senate  
Washington, D.C. 20510

Senator Mitch McConnell  
Senate Minority Leader  
United States Senate  
Washington, D.C. 20510

Dear Leaders Reid and McConnell:

As the President was informed in a November letter, we share the concern that our nation may be vulnerable to cyberthreats, and we recognize the need to take appropriate steps to secure our infrastructure from attack. However, we have yet to find broad bipartisan agreement on the most effective legislative solution.

This very important and complex issue covers a significant part of our infrastructure and our economy. Not only are our government agencies and defense contractors implicated for national security purposes, but state and local governments and a broad cross-section of industries (including transportation, energy, Internet technology, telecommunications, healthcare, agriculture and financial industries) will likely be covered under the umbrella of “cybersecurity.” Consequently, this issue involves the jurisdiction of multiple committees, especially those upon which we serve as Ranking Members—Commerce, Intelligence, Judiciary, Energy, Armed Services, Budget and Health, Education, Labor and Pensions.

Each of us recognized from the earliest consideration of cybersecurity legislation that addressing the threat would necessarily involve issues that crossed committee jurisdictions and some wanted the committee processes to play out. Senator John McCain, the Ranking Member of the Armed Services Committee, appreciated this challenge and recommended the creation of a Select Committee. Instead the Majority leader established bipartisan working groups to consider substantive aspects of cybersecurity legislation across committee responsibilities. Unfortunately, the working groups met infrequently—if at all—and did not function constructively.

The Chair and Ranking Member of the Committee on Homeland Security and Government Affairs have recently introduced their latest legislative proposal, which as drafted, does not satisfy our substantive concerns, nor does it satisfy our process concerns. Given the serious national security and economic consequences of any legislation, it is imperative that the other committees of jurisdiction be given the opportunity to shape the legislative outcome in a

bipartisan manner. If we are serious about enacting effective legislation into law, we must provide all Members of the Senate the opportunity to become adequately informed by regular order. This is not the kind of legislation that can result in a carefully balanced solution unless the full process is afforded.

While some committees have held hearings and executive business meetings on other cyber-related bills within their jurisdiction, the relevant committees have not had the opportunity to weigh in on this measure even though it cuts across committee jurisdictions. We call upon our Senate Leadership to allow the committees of jurisdiction to convene hearings and conduct executive business meetings on this new bill so that Senators can be properly educated on this complicated measure and the committees of jurisdiction can provide their necessary perspective before any measure is brought to the Senate floor for consideration. This process is in keeping with the Majority Leader's commitment to provide "Senators, the Administration, and non-governmental stakeholders an opportunity to review the legislation prior to floor consideration, and to an open floor debate."

We look forward to working with you on this important issue.

Sincerely,

Sally Chaudhri

Kay Bailey Hutchison

John McCain

Lee Neubauer

Jay Sensen

Chuck Grassley

Will B. Egan

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