

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 18, 2011

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
MGMT/OCAO/Mailstop 0075
245 Murray Lane, S.W.
Washington, D.C. 20528-0075

Dear Secretary Napolitano:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce is examining Department of Homeland Security (DHS) efforts to assist the private sector in protecting their networks from cyber threats, particularly as it relates to power sources, water supply, telecommunications systems, and chemical facilities.

RSA Security recently reported to the Securities and Exchange Commission (SEC) that it had been the victim of “an extremely sophisticated attack.” The company, which contracts with various federal agencies and departments to provide SecurID tokens to their employees to use when signing on to secure government networks, does not believe the attack resulted in the loss of customer data; however, the company acknowledged that this breach could make it vulnerable to future attacks. In addition, it was reported that Morgan Stanley’s network was infiltrated by the same China-based hackers that previously attacked Google, Dow Chemical, and others. These types of attacks are frequent and affect a range of industries and operations critical to our nation’s physical and cyber infrastructure. Power distribution, water supply, and telecommunications infrastructures all rely heavily on computerized information systems and electronic data to carry out their operations.

This week, President Obama unveiled his proposed cyber-security legislation. According to information provided by the White House, this legislation will clarify the type of assistance that DHS can provide to private companies following a cyber attack or intrusion. In addition, President Obama’s proposal “requires DHS to work with industry to identify core critical-infrastructure operators and to prioritize the most important cyber threats and vulnerabilities for those operators.” Already, the DHS National Infrastructure Protection Plan calls for a

partnership model that includes public and private councils to coordinate policy, information sharing, and analysis centers to gather and disseminate information on threats to physical and cyber-related infrastructure. However, according to a July 2010 study by the Government Accountability Office (GAO), federal partners were not consistently meeting expectations with respect to information sharing, security clearances, and coordination of government efforts. Further, protecting the nation's critical cyber infrastructures is a continuing concern for GAO and has been included in its *High-Risk Series* since 2003.

In order to better understand DHS's role and its efforts to work with private-sector companies to protect their networks, we request that you contact Karen Christian with the Majority Committee staff at (202) 225-2927 to schedule a staff briefing to occur within two weeks from the date of this letter.

The briefing should address the following matters:

1. The efforts of the United States Computer Readiness Team (US-CERT) to protect the nation's information infrastructure, including dissemination of cyber security information to the private sectors, and its implementation of cyber-warning and analysis capabilities;
2. The operations of the private-sector councils established under the National Infrastructure Protection Plan;
3. DHS's efforts to coordinate with private companies and federal agencies responsible for specific sectors in order to secure private networks;
4. The role of other federal departments and agencies to help protect private networks from cyber threats; and,
5. How federal efforts to assist the private sector with cyber threats interact with the regulatory functions of other federal departments and agencies over industry sectors (for example, the U.S. Environmental Protection Agency's regulatory role over water systems and the Federal Energy Regulatory Commission's process for standard setting).

We thank you for your attention to this matter. Please do not hesitate to contact Majority Committee staff with any questions regarding this letter.

Sincerely,



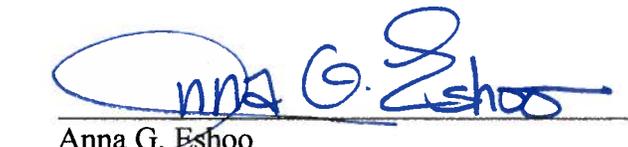
Fred Upton
Chairman



Henry A. Waxman
Ranking Member



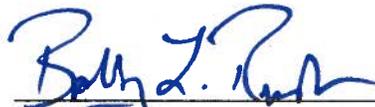
Greg Walden
Chairman
Subcommittee on Communications
and Technology



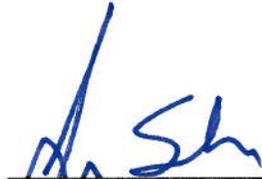
Anna G. Eshoo
Ranking Member
Subcommittee on Communications
and Technology



Ed Whitfield
Chairman
Subcommittee on Energy and Power



Bobby L. Rush
Ranking Member
Subcommittee on Energy and Power



John Shimkus
Chairman
Subcommittee on Environment
and the Economy



Gene Green
Ranking Member
Subcommittee on Environment
and the Economy



Cliff Stearns
Chairman
Subcommittee on Oversight
and Investigations



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations