

STATEMENT OF SENATOR JOHN MCCAIN

MARK UP OF S. 3480, PROTECTING CYBERSPACE AS A NATIONAL ASSET ACT

JUNE 17, 2010

- I appreciate the work of Chairman Lieberman and Senators Collins and Carper on this bill. I believe your bill takes some positive steps in the right direction.
- There is no doubt that the threat of a serious and debilitating cyber attack on our nation is real and immediate. The Department of Defense has reported that there are more than 100 intelligence agencies and foreign militaries that are actively trying to penetrate our nation's information systems and infrastructure. The Department has stated publicly that in the past 45 days they have detected several cyber threats from China.
- That is why it is crucial that the Senate consider the five different cyber security bills that have been introduced and then enact legislation that clearly defines the roles of each agency and the President in preventing and responding to a cyber attack. We cannot have agencies pointing fingers at each other in the event of an attack. We must have a more coordinated response than we have shown in responding to the oil spill crisis in the Gulf or Hurricane Katrina.
- Any comprehensive solution will reach beyond a single agency and even beyond the federal government. We must ensure that additional layers of regulatory burden are not put on our federal agencies or the private industry partners who supply them. Proposed legislation must examine authorities already in place. It must take into account successful efforts already being made both inside and outside the public sector.
- For example, the Department of Defense and National Security Agency (NSA) has been working on cyber security issues for several years and have put in place processes that can be replicated or leveraged by other agencies, such as DHS, without charging the taxpayers for duplicate efforts. For example, the Department of Defense's National Information Assurance Partnership has worked with software and hardware developers for many years to ensure their products meet national security needs, and allowed these products to be tested by independent labs as to not compromise companies' patents and trade secrets.
- Again, the Department of Defense has taken significant steps to strengthen the security of our military and national security networks. If DHS is to have an expanded role in securing civilian networks as proposed, new authorities must be clearly defined without overlapping those already in place for DoD. Successful legislation will leverage the expertise of DoD and the NSA.
- I look forward to working with the Committee members and others in the Senate to developing a comprehensive bill that combines the best of the five bills in the Senate and the House bill.