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July 13, 2011

The Honorable Harry M. Reid
Majority Leader
United States Senate
522 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
361 Russell Senate Office Building
Washington, D.C. 20510

Dear Leaders Reid and McConnell:

I write to renew my request that the Senate create a temporary Select Committee on Cyber Security and Electronic Intelligence Leaks. I feel this Select Committee is necessary in order to develop comprehensive cyber security legislation and adequately address the continuing risk of insider threats that caused thousands of documents to be posted on the website Wikileaks.

As you know, cyber security legislation has been drafted by at least three committees and at least seven committees claim some jurisdiction over the issue. The White House put forward a legislative proposal in May and the Department of Energy put forth requirements and responsibilities for a cyber security program that same month. Earlier this month, the Department of Commerce sought comment on its proposal to establish voluntary codes of behavior to improve cyber security and the Department of Defense issued its strategy for operating in cyberspace. With so many agencies and the White House moving forward with cyber security proposals, we must provide congressional leadership on this pressing issue of national security.

I truly believe the only way to move comprehensive cyber security legislation forward swiftly is to have Committee Chairmen and Ranking Members step away from preserving their own committees' jurisdiction in order to develop a bill that serves the national security needs of all Americans. In the 9/11 Commission Report, the commissioners appropriately wrote, "Few things are more difficult to change in Washington than congressional jurisdiction and prerogatives. To a member, these assignments are almost as important as the map of his or her congressional district."

The Commissioners recommended, "Congress should create a joint committee for intelligence, using the Joint Atomic Energy Committee as its model ... allowing a relatively small group of members of Congress, given time and reason to master the subject and the agencies, to conduct oversight of the intelligence establishment and be clearly accountable for their work." I believe the same model would work for developing cyber security legislation and developing adequate safeguards to detect and defeat any insider threat of disclosure of classified documents such as we experienced with the Wikileaks fiasco that endangered the security of many of our nation's diplomats and soldiers serving abroad.

I appreciate Majority Leader Reid organizing “working groups” to develop key sections of cyber security legislation, but I do not believe this structure will lead to strong, bipartisan and comprehensive legislation. I truly believe the only way to ensure the protection of sensitive and valuable information from tampering or dissemination by unauthorized persons is a Select Committee.

Just this month former CIA Chief and current Secretary of Defense Leon Panetta appeared before the Senate Armed Services Committee and said, “The next Pearl Harbor we confront could very well be a cyber attack ...” We must act now and quickly develop and pass comprehensive legislation to protect our electric grid, air traffic control system, water supply, financial networks and defense systems and much more from a cyber attack.

I appreciate your serious consideration of this proposal and look forward to hearing from you in the near term.

Sincerely,



John McCain
United States Senate