



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

May 11, 2018

The Honorable Kirstjen Nielsen
Secretary
Department of Homeland Security
245 Murray Lane S.W.
Washington, D.C. 20528

Dear Secretary Nielsen:

We are writing to inquire about the status of the cybersecurity strategy the Department of Homeland Security (DHS) was required to submit to Congress over a year ago pursuant to legislation Ranking Member Richmond authored in the 114th Congress.¹ For nearly fourteen months, Department officials have led Members of Congress to believe that this strategy would be delivered in short order – most recently by you, during your testimony before this Committee last month, when you assured Members that the strategy would be complete “within the next two weeks.”² That deadline has once again passed.

As you know, Section 1912 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 directs DHS to develop and produce “a departmental strategy to carry out cybersecurity responsibilities as set forth in law” within 90 days (i.e., March 23, 2017).³ On March 28, 2017, five days after the statutory deadline had passed, DHS National Programs and Protection Directorate (NPPD) Assistant Secretary for Cybersecurity and Communications Jeanette Manfra testified that DHS was working on the strategy but “[needed] time to ensure that the new administration has an opportunity to review and provide guidance on what that strategy should look like.”⁴ She told the panel that “[o]ur goal is to get it within the next couple months” and that the strategy “is critical to our success in the next evolution for DHS cybersecurity.”⁵

¹ H.R. 3510, the Department of Homeland Security Cybersecurity Strategy Act of 2015 (114th Cong. 1st sess.) was introduced on September 9, 2015 and signed into law on December 23, 2016 as §1912 of the National Defense Authorization Act for Fiscal Year 2017, Pub. L. 114-328 (6 U.S.C. §228A).

² Testimony of Kirstjen Nielsen, U.S. Secretary of Homeland Security, before the U.S. House of Representatives Committee on Homeland Security hearing entitled “Strengthening the Safety and Security of Our Nation: The President’s FY2019 Budget Request for the Department of Homeland Security” (April 26, 2018).

³ P.L. 114-328.

⁴ Testimony of Jeanette Manfra, DHS NPPD, before the U.S. House of Representatives Committee on Homeland Security Subcommittee on Cybersecurity & Infrastructure Protection hearing entitled “The Current State of DHS’ Efforts to Secure Federal Networks” (March 28, 2017). At the time of the hearing, Manfra was serving as the Acting Deputy Under Secretary for Cybersecurity & Communications. See Statement of the Office of the Secretary, “Appointments of James D. Nealon and Jeanette Manfra,” July 11, 2017 (announcing Manfra’s appointment as the Assistant Secretary for the Office of Cybersecurity & Communications).

⁵ Manfra Testimony, “The Current State of DHS’ Efforts to Secure Federal Networks.”

On July 28, 2017, Ranking Member Richmond wrote to the Department to again inquire about the status of the strategy, and was told in a response dated September 6, 2017 that the Department “anticipate[s] completing and obtaining DHS senior approval of the strategy by end of calendar year 2017.”⁶ On October 3, 2017, acting Under Secretary for NPPD Chris Krebs testified that although a draft of the cybersecurity strategy was sitting with the DHS Office of Policy, final approval had been delayed by the numerous reporting requirements of the President’s May 2017 executive order on cybersecurity.⁷ Finally, in your testimony before the Committee on April 26, 2018, you committed to delivering the strategy within two weeks.

Further, there have been a number of confusing explanations offered over the past several months to account for the delay, including the need to “nest” DHS’ cybersecurity strategy within the Defense Department’s larger national cyber strategy,⁸ as well the need to consult with stakeholders, most of whom are from the private sector, at the 2018 RSA Conference.⁹ It is unclear why feedback from the 2018 RSA Conference would have any bearing on the DHS cybersecurity strategy. As a preliminary matter, the strategy is supposed to be an internal guide for the Department to use in allocating resources, hiring personnel, organizing its cyber missions and governance, and examining the overall cyber readiness of each component. Private sector feedback may be helpful in that endeavor, but should not prevent the Department from meeting statutorily mandated deadlines. Moreover, the strategy was due in March 2017, over a year before the 2018 RSA Conference took place. Certainly, the Department did not delay the release of the strategy to consult attendees at the 2018 RSA Conference when it could have engaged the same people at the 2017 RSA Conference, or reached out directly to stakeholders.

Whatever the reason for the delay, Congress has entrusted DHS with carrying out a complex, multi-faceted cybersecurity mission that will require structure and planning. The rising frequency of cyberattacks means the Department will need to spread its limited resources even thinner while simultaneously taking on new responsibilities. A clear, detailed strategy that contemplates roles, responsibilities, and program functions will empower DHS officials to use resources judiciously and deliberately. At this critical time, DHS simply cannot afford to continue operating without a strategy.

Pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, we respectfully request you provide a written response to the following information, and whatever supplementary information you deem responsive, by May 25, 2018.

1. What is the status of the DHS cybersecurity strategy required under §1912 of the NDAA for Fiscal Year 2017, and when will it be transmitted to Congress?

⁶ Correspondence from James D. Nealon, Assistant Secretary for International Affairs, DHS Office of Policy to Hon. Cedric L. Richmond, Ranking Member of the Subcommittee on Cybersecurity & Infrastructure Protection, Committee on Homeland Security (September 6, 2017) (on file with Committee staff).

⁷ Exec. Order 13800: *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure* (May 11, 2017), available at <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-strengthening-cybersecurity-federal-networks-critical-infrastructure/>. See also, Testimony of Christopher Krebs, Senior Official Performing the Duties of the Under Secretary of NPPD, DHS, before the U.S. House of Representatives Committee on Homeland Security, Subcommittee on Cybersecurity & Infrastructure Protection, hearing entitled “Examining DHS’s Cybersecurity Mission” (October 3, 2017).

⁸ Testimony of Kirstjen Nielsen, U.S. Secretary of Homeland Security, before the U.S. Senate Select Committee on Intelligence Open Hearing on Election Security (March 21, 2018).

⁹ Nielsen Testimony, “Strengthening the Safety and Security of Our Nation: The President’s FY2019 Budget Request for the Department of Homeland Security.”

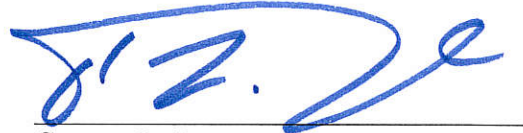
2. With respect to the draft cybersecurity strategy the Department is considering, what specific problems or deficiencies will need to be resolved before it can take effect? Please describe ongoing efforts to finalize the cybersecurity strategy, as well as any outstanding reporting requirements under Exec. Order 13800 that take priority over the cybersecurity strategy.
3. What role do you envision private sector stakeholders or other entities outside of DHS having in the development of DHS' internal cybersecurity strategy and the manner in which DHS organizes and manages its cybersecurity mission? Have external entities played any role thus far in the development of this strategy and, if so, how would you characterize this involvement?
4. In the absence of a Department-wide cybersecurity strategy, what measures has DHS taken to ensure that cyber activities are being carried out effectively and consistently throughout all components?

Thank you for your attention to this request. If you or your staff have any questions regarding this request, please contact Alison Northrop, Chief Director for Oversight, at 202-226-2616.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security



CEDRIC L. RICHMOND
Ranking Member
Subcommittee on Cybersecurity
and Infrastructure Protection

cc: The Honorable Michael T. McCaul, Chairman, Committee on Homeland Security