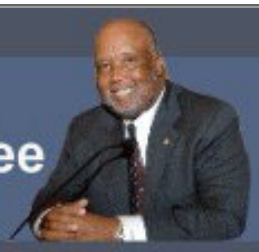
NEWS ALERT

U.S. HOUSE OF REPRESENTATIVES

Homeland Security Committee

Rep. Bennie G. Thompson, Ranking Member



FOR IMMEDIATE RELEASE

Statement of Ranking Member Bennie G. Thompson

Promoting and Incentivizing Cybersecurity Best Practices

July 28, 2015 (Washington) – Today, Committee on Homeland Security Ranking Member Bennie G. Thompson (D-MS) delivered the following prepared remarks for the Cybersecurity, Infrastructure Protection, and Security Technologies subcommittee hearing entitled "Promoting and Incentivizing Cybersecurity Best Practices":

"Today, we will be discussing the prospect of amending the SAFETY Act law to promote certification of more cybersecurity technologies as qualified anti-terrorism technologies. Given that there is draft legislation circulating, prepared by the Majority to amend the SAFETY Act in this manner, this hearing is timely. Today, under the SAFETY ACT, DHS provides immunity from liability to products or services that have been rigorously examined by the Office of Safety Act Implementation. Congress directed DHS to establish this program to encourage innovation in the development of novel anti-terrorism technologies.

As I noted in a previous hearing several years ago on this matter, the government does not charge a penny to perform exhaustive reviews of each company's product that applies for, and is qualified for, SAFETY Act approval. Mr. Chairman, I am wondering whether in our current fiscal situation, Congress should consider requesting a fee from companies with the means to seek pursue this process and desire to secure the liability protection and marketing advantage that comes with SAFETY Act certification.

When this Committee first began to examine the activities of the SAFETY Act Office, I encouraged the Department to perform dedicated outreach to attract small, minority and disadvantaged businesses to obtain SAFETY Act certification, and to help them go through the complicated and time-consuming SAFETY Act approval process.

The reasoning behind this emphasis was simple. Large multinational companies who are likely the prime developers of technologies in the homeland security enterprise, are mostly already involved with providing the Department of Defense technologies and services in that sphere.

In contrast, small businesses with promising technologies face countless barriers to entry in the marketplace. Given that these firms are often the innovators and the backbone of America's workforce, it is important that DHS go the extra mile. A SAFETY Act designation or certification can improve a company's bottom line and help small, savvy companies create jobs. Large, well-funded companies need less help, and those companies are usually stocked with a bevy of corporate lawyers to guide them through any concerns about liability protections or access to DHS acquisitions.

The draft legislation that is in circulation has no special emphasis on small businesses. I am hopeful that as the bill moves through the legislative process, we can come together to ensure that it does.

I would also put on the record my concern that that the funding to expand the Safety Act Office would not be "new money" but rather taken from other DHS activities. It is important to know where that money would be taken from and what capabilities or programs would be affected or diminished. More broadly, there are basic questions about how this legislation would drive innovation with respect to cyber technologies. We would not want to foster an environment in the marketplace where companies grow complacent having only an interest in securing blanket liability protections outweighing the energy of innovation."

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FOR MORE INFORMATION: Please contact Adam Comis at (202) 225-9978

United States House of Representatives
Committee on Homeland Security
H2-117, Ford House Office Building, Washington, D.C. 20515
Phone: (202) 226-2616 | Fax: (202) 226-4499