

Opening Statement of Ranking Member Johnson
Full Committee – Markup of H.R. 2096, Cybersecurity Enhancement Act of 2011
July 21, 2011

Thank you, Chairman Hall. Today, we are marking up H.R. 2096, the *Cybersecurity Enhancement Act of 2011*. This is a good bipartisan bill, nearly identical to Mr. Lipinski's bipartisan cybersecurity bill from last Congress which moved through this Committee and passed overwhelmingly on the House floor. I would like to thank my colleagues, Mr. Lipinski and Mr. McCaul, for their leadership and work on the bill this Congress.

Computers, cell phones, and the Internet have greatly increased our productivity and connectivity. Unfortunately, this connectivity and the dependence of our infrastructure, our commerce, and a great deal of our day-to-day lives on information technologies have also increased our vulnerability to cyber attacks.

H.R. 2096 would authorize research, education, and standards activities that are essential to our government's efforts to strengthen the security of our current information technology systems and to build future systems that are more secure from the outset. The two agencies covered in this bill, the National Science Foundation and the National Institute of Standards and Technology, each play an important and unique role in the federal effort to secure our cyberspace.

While H.R. 2096 is a good bill, I would be remiss if I did not express my concern about our failure to consider this legislation through regular order. While H.R. 2096 is based in large part on legislation from last Congress, the truth is that the field of cybersecurity is rapidly evolving and two years in this field is equivalent to a lifetime in many other fields.

In addition, over the last two years, this Administration has made great strides in strengthening the government's cybersecurity efforts. As a result, some of the provisions in the bill before us today are unfortunately already out-of-date. The fact that we are rushing this bill through the Committee is preventing us from adequately and effectively doing our due diligence to ensure that it is as current as it can and should be.

I recognize that the bipartisan manager's amendment will make some necessary improvements and updates to the underlying bill, and I welcome these changes. I also plan to offer an amendment today that will update section 203 to reflect the current state of the National Initiative for Cybersecurity Education. I hope my colleagues will support this amendment.

There is also considerable – and growing – concern about whether legislation moving through this Committee is consistent with the Majority's policies and protocols. Unfortunately, we have not received the clarification that we have sought and are worried that the Committee is making this up as we go. In the subcommittee markups last week, we were told that some of these authorization and funding issues would be resolved before the bills were reported out. Unfortunately, in this case, since we have come straight to Full Committee, this is our one and only bite at this apple. For the sake of Mr. McCaul and Mr. Lipinski and the other sponsors of the bill, I sure hope we've gotten it right.

Also, as we mark up this bill, it is important that we consider the proposed FY 2012 appropriations levels for NSF and NIST. The research accounts of both agencies would be flat-funded under the current House proposal. While flat-funding might seem like a "win" for these agencies under current circumstances, I think it is important that we recognize that flat funding is really declining funds when adjusted for inflation.

The federal government is already suffering from a lack of adequately trained cybersecurity professionals and flat-funding these key agencies will further erode the human capital we need to build up our

cybersecurity capabilities. It will also slow down much needed advances in research and development on game-changing technologies.

In addition, if NIST is flat-funded, it will not be able to carry out any of the additional cybersecurity-related activities with which it has been charged over the last couple of years, including its cybersecurity education and awareness efforts, its identity management initiative, and its cloud computing security activities. It doesn't seem right to be touting NIST's role in cybersecurity while also proposing a funding level for the agency that prevents it from carrying out critical cybersecurity-related activities.

The truth is that we need to be cognizant of what these agencies will actually be able to accomplish from within the very worthy and important goals described in this legislation.

Thank you again, Mr. Chairman. I look forward to working with you to get this bill to the House floor. And I yield back the balance of my time.