

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

HEARING TO RECEIVE TESTIMONY ON THE FINDINGS AND
RECOMMENDATIONS OF THE CYBERSPACE SOLARIUM
COMMISSION

Tuesday, August 4, 2020

Washington, D.C.

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1 OPENING STATEMENT OF HON. MIKE ROUNDS, U.S. SENATOR
2 FROM SOUTH DAKOTA

3 Senator Rounds: Well, good afternoon.

4 Senator Manchin, our Ranking Member, should be here
5 shortly. He, unfortunately, had a meeting off the Hill.

6 Thank you, Senator Blumenthal, for being here. Senator
7 Perdue, as well. We have a number of our other members who
8 are joining us virtually today.

9 Today, the Cybersecurity Subcommittee welcomes, for the
10 first time, colleagues to present the findings of the
11 Cyberspace Solarium Commission: our friend Senator King,
12 from Maine, and Representative Gallagher, from Wisconsin.
13 They are joined by fellow Commissioner, retired Brigadier
14 General John C. Inglis, Professor of Cybersecurity Studies
15 at the U.S. Naval Academy, and former Deputy Director of the
16 National Security Agency.

17 Welcome, to all. Thank you for coming to discuss this
18 important topic at today's hearing.

19 I'd like to extend my congratulations, as well, to Mike
20 Gallagher and his wife, Ann, on the recent birth of their
21 baby girl, Grace. Good luck on your greatest adventure yet
22 and all the amazing moments yet to come associated with it.

23 I'd also like to recognize former SASC Policy Director
24 Mark Montgomery, who serves -- or who served as Executive
25 Director of the Commission.

1 Section 1652 of the Fiscal Year 2019 NDAA established
2 the Cyberspace Solarium Commission to study alternative
3 strategies for defending the United States against malicious
4 cyberactivity and advancing its national interests in
5 cyberspace. Among the strategies to be evaluated were cyber
6 deterrents, persistent engagement, and compliance with
7 international norms. The Commission has produced an
8 impressive report that advocates a combination of all three:
9 deterrence by denial and rapid attribution, deliberate
10 shaping of international norms through aggressive diplomacy,
11 and continued persistent engagement of malicious cyber
12 adversaries.

13 The Commission's report also presents a number of
14 reforms, many in legislative format, for our deliberation.
15 Of particular importance are the following recommendations:
16 that the Department of Defense evaluate the size and
17 capacity of the Cyber Mission Forces; that the Department of
18 Defense takes an expanded role in exercises and planning
19 relevant to protection against cyberattacks of significant
20 consequence; that the Department of Defense and
21 cybersecurity companies hunt on defense industrial base
22 networks; and that the administration establish a National
23 Cyber Director.

24 These recommendations are valuable contributions to the
25 debate on what policies, programs, and organizational

1 constructs will best advance the Nation's cybersecurity. I
2 am proud that we were able to incorporate 11 of these
3 recommendations into the committee mark of the NDAA, with
4 several additional recommendations which were,
5 unfortunately, outside of our jurisdiction, but were
6 incorporated later on the floor discussion.

7 While this hearing comes too late to inform the NDAA
8 mark, three objects of the Commission's study remain
9 relevant for this subcommittee's oversight of the
10 Department's cyberstrategy and operations, and for the
11 committee's conferencing of the NDAA. First and foremost, I
12 want to discuss the motivations behind the Commission's
13 recommendation and recent annex further detailing the
14 establishment of a National Cyber Director. How is the
15 interagency planning an execution process, broken today?
16 What authorities, especially those relevant to offensive
17 cyberaction, should be available to the Director? How would
18 the National Cyber Director act to direct or coordinate
19 Department of Defense action in response to a cybersecurity
20 incident of significant consequence?

21 Since its establishment, this subcommittee has focused
22 on improving coordination among the many relevant entities
23 within the Department of Defense to assure synchronized
24 efforts in implementing and executing their cyberspace
25 missions. I believe that the Principal Cyber Advisor within

1 the Office of the Secretary of Defense has been particularly
2 effective at performing that particular oversight and
3 coordination role, and advising the Secretary of Defense.
4 This has been accomplished without the establishment of a
5 large bureaucracy, and without creation of yet another cyber
6 stovepipe within the DOD.

7 In this year's NDAA, we included a provision that
8 strengthened the Principal Cyber Advisor's oversight and
9 coordination role. I also sponsored a provision in the
10 Fiscal Year 2020 NDAA that added Principal Cyber Advisors
11 for each Service Secretary to provide them with this
12 critical coordination asset. The Principal Cyber Advisors
13 have a departmental or service role, while the proposal for
14 a National Cyber Advisor concerns a national role. However,
15 I think there may be some similarities between the functions
16 of the Principal Cyber Advisors and the National Cyber
17 Director, as envisioned by this Commission. I would,
18 therefore, appreciate discussion on the similarities and
19 differences between the roles of the DOD Principal Cyber
20 Advisors and the proposed National Cyber Director.

21 Second, I hope to better understand the recommendations
22 the Commission provided regarding the Department of
23 Defense's cybertargeting. Did the Commission see Cyber
24 Command's current plans and operations as matching the
25 Commission's recommendations in cyber deterrence and

1 persistent engagement? Did it find the Department's
2 aspirations for persistent engagement of adversaries to be
3 realistic?

4 Finally, I want to hear how the Department of Defense
5 can better execute its mission to protect the Nation against
6 Russian, Chinese, Iranian, and North Korean cyberattacks.
7 What are the Department's capability shortfalls? What
8 should its role be in emergency response actions?

9 Thank you for your diligent efforts in producing this
10 report, and for agreeing to testify before this
11 subcommittee.

12 And, Senator Manchin, welcome. Senator Blumenthal sat
13 in to check and make sure things were working the way they
14 were supposed to. Welcome. And do you have any opening
15 comments, Senator?

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1 STATEMENT OF HON. JOE MANCHIN, U.S. SENATOR FROM WEST
2 VIRGINIA

3 Senator Manchin: Well, Senator Rounds and Senator
4 Blumenthal, thank you very much. I appreciate that.

5 Thank you, Senator Rounds.

6 I, too, welcome our witnesses: Senator Angus King, our
7 dear friend, and Representative Mike Gallagher -- I guess
8 Mike's -- is he going to be on -- okay -- who served as co-
9 chairs of the Cyber Solarium Commission at -- that this
10 committee established in last year's NDAA; and the third,
11 retired General Chris Inglis, who served as one of the
12 Commission members.

13 Senator King, of course, is a distinguished member of
14 this committee. Representative Gallagher, I want to thank
15 him for his work on this Commission and for your great
16 service in the House. And Chris Inglis is no stranger to
17 this committee, having previously served as the Deputy
18 Director of the National Security Agency.

19 Thank you, Chris, for being here, too.

20 I want to take a moment and speak about the efforts of
21 this Commission, why it has been successful, and what
22 lessons we can learn from the future.

23 A commission of this type is intended not just to
24 educate Congress, the executive branch, and the public. The
25 intent is to forge a consensus on what needs to be done to

1 fix the problems the Commission identifies. However, too
2 often those recommendations are too vague or difficult for
3 Congress to legislate on. The Commission spent a lot of
4 time and effort turning those recommendations into actual
5 draft legislation text. This was an immensely important
6 decision. If you have to turn an idea into bill language,
7 you have to really think it through, and the result has to
8 be compatible with the main purpose of Congress, which is
9 drafting laws.

10 To be sure, we have had to modify these
11 recommendations, sometimes significantly. But, without
12 those legislative drafts, much of the Commission's work
13 might already be collecting dust on someone's shelf.
14 Instead, a vast majority of the Commission's recommendations
15 were included, in one form or another, in the NDAA bills
16 passed by the House and Senate, including a significant
17 number of recommendations that crossed the jurisdictional
18 lines of multiple committees. This is no mean feat.
19 Getting approval across multiple committees for legislative
20 amendments on the floor of the House and Senate is extremely
21 hard, something that Senator King and Representative
22 Gallagher know very well and were able to do it.

23 One of the main and most influential Commission
24 recommendations is the creation of a National Cyber
25 Director. This recommendation is not popular with the

1 administration. And Senator Rounds and I also concluded
2 that the proposal needed a bit more polishing by the
3 Commission in order to better understand what this
4 position's role should be. Senator King and Representative
5 Gallagher took this on, and, in the last couple of months,
6 have produced a very, very good proposal, which we will talk
7 about here today. The Commission co-chairs firmly believe
8 that this position is crucial to integrating the response of
9 all the departments and agencies who have to be involved in
10 dealing with major cyberattacks. We must have the military
11 cyberforces, the intelligence collectors, our law
12 enforcement officers, and Homeland Security operating as a
13 team, bringing all their authorities and resources to bear
14 to counter an attack. I hope the President and his senior
15 advisors can be persuaded to not just accept this idea, but
16 to embrace it to improve our national security.

17 While I'm greatly impressed with the Commission's
18 effort, I do have two concerns I would like to address with
19 our witnesses today:

20 First, the recommendation to require reporting of all
21 critical infrastructure entities to the Department of
22 Homeland Security. While it's important that we do all that
23 we can to effectively respond to cyberthreats in the
24 timeliest manner, we must do so without interrupting
25 established cyberthreat reporting. As Ranking Member of the

1 Energy and Natural Resources Committee, a prime example are
2 critical energy infrastructure entities. They should still
3 report through their established chains with the Department
4 of Energy, and that intelligence should be made available to
5 the eventual National Cyber Director.

6 Second, the Commission's report explicitly rejected a
7 model deterring major cyberattacks on our critical
8 infrastructure by assuring adversaries who contemplate such
9 actions with an in-kind response; namely, retaliating
10 against their critical infrastructure through cyberattacks.
11 The Commission's report suggests that a retaliatory doctrine
12 of doing to an adversary what an adversary does to us is
13 immoral, and even inconsistent with international law. A
14 strategy of deterrence based on retaliation in-kind,
15 symmetrical against an adversary is the basis of our nuclear
16 deterrence that has been in place since the end of World War
17 II. We do not consider this strategy illegal, immoral, or
18 ineffective. Moreover, the idea that an adversary would be
19 deterred from hitting our critical infrastructure by a
20 threat that we would disable their computers or their
21 cyberforces does not seem very likely to me. This is even
22 assuming that we will be able to identify and incapacitate
23 their cyberforces, which, I submit, is an uncertain and
24 momentary solution.

25 Before turning to our witnesses for opening statements,

1 I will close by noting that the Commission has proposed, and
2 this committee has endorsed, the NDAA, an extension of the
3 life of the Commission. This was done for the 9/11
4 Commission, and I think it is a good idea for Senator King
5 and Congressman Gallagher to be able to observe how the
6 Commission's work is being implemented, and to revisit
7 issues that could not be resolved in this year's budget and
8 legislative cycle.

9 Thank you, Mr. Chairman. And I look forward to hearing
10 from our witnesses.

11 Senator Rounds: Thank you, Senator Manchin.

12 I think the best way to approach this, probably, since
13 you've done a combined opening statement, which is in the
14 record now -- Senator King, would you like to begin, and
15 we'll have you and then Representative Gallagher, and then
16 finish up with General Inglis, if that's -- works, in terms
17 of how you would like to proceed?

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1 STATEMENT OF SENATOR ANGUS S. KING, JR., CO-CHAIR,
2 CYBERSPACE SOLARIUM COMMISSION

3 Senator King: Thank you, Mr. Chairman.

4 There are so many aspects of this, an opening statement
5 could go on all afternoon. I'm going to try very hard not
6 to make that happen.

7 Let me just make one point about the pandemic. Among
8 all the other things we've learned, I think one of the most
9 important things we've learned is that the unthinkable can
10 happen. A year ago, we would not have contemplated where we
11 are now with a disease that we're having to deal with on a
12 worldwide basis. So it is with a cyberattack. It seems
13 unthinkable, it seems the stuff of science fiction, and yet
14 it can and it has happened. In fact, it's happening right
15 at this very moment.

16 Our basic purpose in the work that we did on this
17 Commission -- and I'll outline how it was -- how we
18 proceeded -- was to be the 9/11 Commission, without 9/11.
19 Our whole purpose is to avoid not only a cyber catastrophe,
20 but a death by a thousand cyber cuts. And that's really
21 what we want to talk about here today.

22 The Commission, as you mentioned, Mr. Chairman, was set
23 up almost 2 years ago in the National Defense Authorization
24 Act, and our mission was to develop a comprehensive
25 cyberstrategy for the country, and recommend how it should

1 be implemented. There were 14 members. And I think part of
2 the success of the Commission rests upon how it was
3 structured. There were 14 members: four members of
4 Congress, and then there were four members from the
5 executive, from the relevant agencies, and six members from
6 the private sector. We had over 30 meetings. We had 90-
7 percent attendance at our meetings. We met in this
8 building, just downstairs, over and over. We had hundreds
9 of documents, witnesses, and an immense amount of literature
10 search and review of all of the ideas that could be brought
11 before us on these subjects.

12 I'm proud to say that the work of this Commission was
13 entirely nonpartisan. In fact, to this day, other than the
14 four members of Congress whose -- who wear their party
15 labels on their sleeves, I have no idea of the party
16 affiliation of any of the other 10 members of the
17 Commission, and I can honestly say that, in all of those 30
18 meetings, there was not a single comment, discussion,
19 question that suggested any partisan content or any kind of
20 partisan point of view in our committee's -- in our
21 Commission's discussions. Four-hundred interviews, we came
22 up with 82 recommendations; 57, as Senator Manchin
23 mentioned, were turned into actual legislative language.

24 What are the basic principles of the report? They can
25 be summarized in three words: reorganization, resilience,

1 and response:

2 Reorganization, I think we're going to talk a lot about
3 today. How are we organized in order to meet this
4 challenge?

5 Secondly, resilience. How do we build up our defenses
6 so that cyberattacks are ineffective, and that that, in
7 itself, can be a deterrent if our adversaries decide it's
8 simply not worth it?

9 The final is response. How do we develop a deterrent
10 strategy that will actually work, particularly for attacks
11 below the level of the threshold of use of force? We
12 haven't had a catastrophic cyberattack, probably because of
13 the deterrents that we already have in place. The problem
14 is, we're being attacked in a lower-level way continuously,
15 whether it's the theft of intellectual property, whether
16 it's the theft of the OPM records of millions of American
17 citizens, whether it's the attack on our election in 2016.
18 That's the area where we remain vulnerable, and we haven't
19 developed a deterrent policy.

20 What is labored -- layered cyber deterrence, which is
21 the fundamental theory that we put forth? It's to shape
22 behavior, it's to deny benefits, and it's to impose costs.

23 I know that we're going to spend a great deal of time
24 in this hearing talking about the National Cyber Director,
25 but I do want to address it briefly in these opening

1 remarks.

2 The mission and the structure of the National Cyber
3 Director is almost identical of the Principal Cyber Advisor
4 position that we've created at the Department of Defense.
5 The difference is a wider scope. Just as we were preparing
6 for the hearing, I made a quick list of seven or eight or
7 nine Federal agencies, all of which have cyber
8 responsibility outside of the Department of Defense. And
9 the fundamental purpose and structure of the National Cyber
10 Director is to provide a person in the administration with
11 the status and the advisory relationship with the President
12 to oversee this diverse and dispersed authority throughout
13 the Federal Government. For the same reason we created the
14 Cyber Advisor in the Department of Defense, we need to do it
15 nationwide. And that's the fundamental purpose. I'm sure
16 we'll be able to -- we'll go into much more detail on this.

17 But, before I complete my statement, I've got two
18 written records. One is a very strong letter from the U.S.
19 Chamber of Commerce endorsing the National Cyber Director
20 position. And the second is the testimony recently in the
21 House by former Representative Mike Rogers, former chair of
22 the Intelligence Committee, who confesses that he has 180-
23 degrees changed his position on the idea of a National Cyber
24 Director, from steadfast opposition to very strong support.

25 I'd like to introduce both of those documents into the

1 record, with the permission of the Chair.

2 Senator Rounds: Without objection.

3 Senator King: Thank you.

4 [The information referred to follows:]

5 [SUBCOMMITTEE INSERT]

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1 Senator King: I'll end my comments now, and we will be
2 able to really discuss more of the details, particularly on
3 the National Cyber Director recommendation, as the hearing
4 progresses.

5 Thank you, Mr. Chair.

6 [The combined statement of Senator King, Representative
7 Gallagher, and General Inglis follows:]

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1 Senator Rounds: Thank you, Senator King.

2 Representative Michael Gallagher, I believe you'll be
3 joining us virtually here. Are you ready, sir?

4 Mr. Gallagher: I am. Can you hear me?

5 [Laughter.]

6 Senator Rounds: Ah. Just back off a little bit. Hang
7 on a second. We're going to bring that volume down just a
8 little bit, here.

9 All right, let's try that again.

10 Mr. Gallagher: Okay. Hopefully, that's a little bit
11 better, not too jarring.

12 Senator Rounds: Much, much better. Thank you.

13 Welcome.

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1 STATEMENT OF REPRESENTATIVE MICHAEL J. GALLAGHER, CO-
2 CHAIR, CYBERSPACE SOLARIUM COMMISSION

3 Mr. Gallagher: Thank you, Mr. Chairman. And thank you
4 for, not only your leadership, but for the kind words about
5 my baby daughter. We truly do feel blessed. And, to my
6 good friend, Ranking Member Manchin, thank you, sir, and all
7 the distinguished members of the committee, for allowing us
8 to testify on behalf of our report.

9 I have enormous respect for this committee in the
10 Senate, because, before I was a member of the House, I was a
11 staffer in the Senate, which is to say there was a time when
12 I actually used to wield real power.

13 [Laughter.]

14 Mr. Gallagher: So, thank you for letting me return to
15 my roots in the Senate.

16 As Angus, my -- as Senator King laid out, our
17 adversaries' cyber operations continue to increase in
18 sophistication and frequency, creating what is really an
19 unacceptable risk to our national security. And, given what
20 we know, the state of our defenses and our adversaries'
21 intentions, a major disruptive cyberattack to critical
22 infrastructure at this point is almost something to be
23 expected. And I -- so, therefore, I would say we have no
24 choice but to hope for the best while planning for the
25 worst.

1 And with this in mind, I would like to emphasize at
2 least two of our critical proposals as we look ahead to the
3 NDAA conference.

4 First, I strongly agree with my co-chair, Senator King,
5 on the importance of establishing a National Cyber Director.
6 The country needs strategic leadership on cybersecurity, and
7 we all believe this is the right balance of authority,
8 responsibility, and necessary prominence. A Senate-
9 confirmed National Cyber Director within the Executive
10 Office of the President that wields both budget and policy
11 authority, to coordinate cyber policy across the Federal
12 Government, in my opinion, and in the opinion of the
13 Commission, would bring the focus that cybersecurity
14 desperately needs at the highest levels of the Federal
15 Government.

16 Secondly, I would like to highlight the necessity for
17 continuity-of-the-economy planning. We need resilience and
18 redundancy in our critical infrastructure. And national
19 resilience necessitates planning. I would submit that the
20 pandemic has shown, not only that our economy is vulnerable
21 to widespread disruption, but to the potential impact that
22 economic disruption has on Americans. And, just as we
23 thought through the unthinkable in the earliest parts of the
24 Cold War, so, too, now we need to think through the
25 unthinkable, in terms of how we would rapidly recover in the

1 wake of a massive cyberattack so that we have the ability to
2 strike back with speed and agility against whoever chooses
3 to test us.

4 I would also say that, to ensure the U.S. Government
5 reduces vulnerabilities across critical infrastructure,
6 Congress must address a number of issues that impact
7 multiple agencies that currently work together to protect
8 our national security in cyberspace. Just a few of our key
9 recommendations on that front include: one, the
10 institutionalizing of DOD participation in public/private
11 cybersecurity initiatives; two, establishing and funding a
12 joint collaborative environment for sharing and fusing
13 threat information; three, establishing an integrated cyber
14 center within CISA to host that collaborative environment
15 and integrate our seven existing Federal cyber centers;
16 four, creating a joint cyber planning office; five,
17 conducting a biennial senior-leader cyber exercise to test
18 our plans, playbooks, and integration efforts; and finally,
19 and sixth, establishing authority for CISA to do threat-
20 hunting on all dot-gov networks. All of these provisions
21 are included in the House version of the NDAA.

22 Perhaps our most important conclusion, and what I will
23 close on, and a recommendation from the Commission, is that
24 failure to act is not an option. While we've made
25 remarkable progress in the last few years, the status quo is

1 simply not getting the job done, and the time to act is now.

2 Thank you again for the opportunity to testify before
3 you today, and for your commitment to American
4 cybersecurity.

5 Senator Rounds: Representative Gallagher, thank you
6 very much for your opening statement.

7 Now we'll turn to Brigadier General, Retired, John
8 Inglis.

9 Mr. Inglis, please proceed.

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1 STATEMENT OF BRIGADIER GENERAL JOHN C. INGLIS, ANG
2 (RET.), COMMISSIONER, CYBERSPACE SOLARIUM COMMISSION

3 General Inglis: Thank you, Chairman Rounds, Ranking
4 Member Manchin, and all the distinguished committee members,
5 for the privilege of testifying before you today on the
6 recommendations from the Cyberspace Solarium Commission.

7 I agree with my fellow commissioners that this last
8 year has been, for me, an honor and the opportunity of a
9 lifetime to hear from the expert counsel of a broad array of
10 experts in cyber technology, policy, and operations across
11 the continuum of private and public sectors, to include
12 consideration of how both allies and adversaries approach
13 the challenge of defining and executing a national
14 cyberstrategy.

15 I fully back my colleagues here in supporting both the
16 overall report, to include its 82 recommendations, and to
17 urge you to, in particular, swiftly pass the provisions that
18 we'll probably discuss in great detail today, not least of
19 which, the National Cyber Director. To that extent, I'd
20 like to focus my opening remarks on the National Cyber
21 Director.

22 This committee has done much to improve both the
23 Nation's understanding and the military's preparedness to
24 deal with the challenges of cyberspace, and yet we must do
25 still more, for military cyber power is only one of the many

1 instruments of power that must be applied to achieve our
2 aims in and through cyberspace. As you well know,
3 cyberspace is inextricably linked to every other domain of
4 human interest, such that, while cyber, comprised of both
5 technology and the humans who make use of it, is an
6 instrument of power in its own right, all other instruments
7 of power increasingly depend upon a properly functioning
8 cyberspace for their efficient and effective operation.

9 The reverse is also true, namely that the proper
10 functioning of cyberspace relies upon the effective
11 employment of a diverse array of authorities, tools, and
12 expertise. These tools and authorities are not held by one
13 person, one organization, or one sector, and they do not
14 self-organize into the coherent whole we require to ensure
15 that cyberspace is appropriately robust, resilient, and
16 well-defended against the increasing threats posed by
17 transgressors who often operate with impunity, holding both
18 cyberspace and, in turn, our nation's security at risk.

19 Our adversaries have gone to school on us. They
20 routinely seize the initiative of choosing the time, the
21 place, the manner of their transgressions without regard to
22 imagined or commonly accepted boundaries between the
23 pervasively interconnected swaths of cyberspace that are,
24 again, operated by individuals, the private sector, and
25 governments, as a collective whole. Absent a consistent,

1 proactive, and joined-up effort on our side that gives a
2 premium to preparation, integration, and collaboration, we
3 will fall further behind.

4 To that end, the United States needs a leader to act as
5 the President's principal advisor on cybersecurity and
6 associated emergency technology issues, and to coordinate
7 the Federal Government response. Our experiencing -- our
8 experience as a Nation in preparing for kinetic attacks has
9 richly informed doctrine and plans on how the military will
10 respond to kinetic attack, to include the supported and
11 supporting roles that other instruments of national power
12 would play under various scenarios. We're not in the same
13 place with respect to cyberattack, where the military
14 instrument may not be the singular, or even the supported,
15 instrument of national power, let alone the need to consider
16 the actions of the private sector, which typically maintains
17 and operates the front line of cyberattacks as they maintain
18 and operate over 85 percent of what we know as cyberspace.

19 To that end, there is a rough, but useful, analogy to
20 be drawn between what we're recommending here, in the
21 National Cyber Director, and the Department of Defense's use
22 of the Principal Cyber Advisor and/or even the Chairman of
23 the Joint Chiefs of Staff. Both positions are used to
24 effect cohesion amongst the operational combatant commanders
25 without usurping the efficiency execution of the operational

1 authority of those commanders.

2 While installing another player, the National Cyber
3 Director, into the coordination of already complex cyber
4 operations could be a concern, I think it's important to
5 note how this functions in the Department of Defense.
6 Importantly, neither the Principal Cyber Advisor or the
7 Chairman of the Joint Chiefs of Staff serve as operational
8 commanders in their distinct and separate roles. The Cyber
9 Advisor ensures coherent planning for cybercapability and
10 doctrine, and the Chairman ensures the tasking of the
11 individual combatant commanders is mapped to national
12 strategy, is coherent across COCOMs, and is mutually
13 supporting and properly resourced. These are useful force
14 multipliers for forces that are often outnumbered but never
15 outmatched by our adversaries. National Cyber Director
16 would fulfill analogous functions across agencies, similar
17 to the role these two roles that are already well-
18 established and very useful within the Department of
19 Defense.

20 Finally, I would simply note that cyberspace exists
21 inexorably in the presence of adversaries. The contested
22 nature of cyberspace, where the U.S. is challenged by
23 adversaries who can and do attack us on every front -- in
24 our homes, in our places of business, and within our
25 critical infrastructure -- names -- needs the same essential

1 coherence in national strategy, defined roles and
2 responsibilities, and in the propensity to collaborate based
3 on leadership that connects and supports the various players
4 to a national strategy.

5 I would simply close by saying, while it remains
6 difficult to propose or to name the time and place adversary
7 action will take place in cyberspace, we can be certain that
8 it will take place. And a failure to warn, prepare, and
9 respond will result in sure and certain costs that we can
10 ill afford in a future where our dependence on digital
11 infrastructure will only grow. The time to do act is now.

12 I close my opening remarks, again, with the thanks for
13 promoting this hearing and an opportunity to discuss these
14 in greater detail.

15 Senator Rounds: Thank you very much for your
16 testimony.

17 And I think -- let me begin. I do appreciate the work
18 that this Commission has done. You've not only started out
19 with a whole series of proposals, but, when we asked you to
20 go back and to flesh out, in particular, the authorities and
21 responsibilities of what a Cyber Director would look like, I
22 have really appreciated the responsiveness to -- from the
23 Commission back to the committee.

24 It is our intent to use this information to discuss and
25 to, basically, provide information during the markup of the

1 reconciliation between the House and the Senate versions of
2 the NDAA in conference. And the House committee has laid
3 out what their vision is. And the concern that we had
4 expressed was one that we believe that the Principal Cyber
5 Advisors, as laid out within the Department of Defense, have
6 allowed for technical knowledge and for professional
7 expertise to be available and deliverable to our chief
8 executive officers immediately, and that, with that
9 additional expertise, they could facilitate the use of
10 cyberactivities, offensive and defensively, where needed.

11 The concern that we had was that, if, at the national
12 level, you created a silo, a location where there could be
13 authority or, for that matter, responsibilities and the
14 ability to simply have one more stop along the way in
15 deciding before policy could be executed, that we risk
16 making those cyber responses more challenging.

17 Now, the reason why I lay this out for you this is way
18 is, is that, over the last several years, we have followed
19 what has happened at the executive branch with, originally,
20 a very well-intended PPD-20, Presidential Policy Directive
21 Memorandum 20, which was started in the previous
22 administration. Their intent was to find consensus, but,
23 before cyberactivities would be rolled out. Unfortunately,
24 in doing so, it became a consensus, which meant that any one
25 of a number of a different individuals could stop the

1 movement forward of any cyberactivity. That was changed a
2 couple of years ago with the creation of NSPM-13, National
3 Security Policy Memorandum 13, in which a clear line was
4 laid out for the decisionmaking process on the use of cyber
5 tools and the availability of cyber for our warfighters.

6 The reason why I lay this out is, is we were able to,
7 in coordination with the executive branch, streamline the
8 process, so we were actually able, as -- and I wouldn't
9 discuss this, except that President Trump did share a little
10 bit about it -- 2018 and the fact that we did not have
11 interference in our 2018 election was not by accident, it
12 was because of the clear capabilities of men and women of
13 Cyber Command. And it was because they could execute
14 appropriate cyber policy in an expeditious manner.

15 What I don't want to have happen in -- is to have
16 another layer of bureaucracy get in the way. I think you've
17 done an excellent job of laying out for this subcommittee
18 your vision of what this would look like. But, I think, for
19 the record, I would ask all of you, Would it be your intent
20 that this Cyber Director be identified as much as a
21 Principal Cyber Advisor, similar to the DOD, versus having
22 authority, responsibility, and the ability to silo those
23 areas and create a roadblock for cyberactions in the future?

24 Senator King?

25 Senator King: Mr. Chairman, I would say that our

1 proposal is the anti-silo. The problem is now, as I
2 mentioned, we've got cyberactivities and planning and work
3 going on throughout the Federal Government, and the whole
4 idea is to bring some coherence and coordination to that.

5 To your specific question, which I think is an
6 important one, we do not propose that the National Cyber
7 Director be in the chain of command for cyberactions. It's
8 Cyber Command, Secretary of Defense, President of the United
9 States. We are not talking -- and you used the term "policy
10 executed" -- we're not talking about adding a layer, in
11 terms of execution of policy. We're talking about adding a
12 coordinating function to bring together the expertise
13 throughout the Federal Government. And I think that's a
14 very important distinction. That's a totally valid
15 question, but we view this as a bringing-together of a
16 coherent organization with someone at the top that has
17 oversight and situational awareness of what's going on in
18 all these different agencies. But, in terms of cyberaction,
19 such as the action you cite in the 2018 election, this
20 person would be an advisor to the President, yes.

21 Senator Rounds: And that's what I'm hoping, and that's
22 what I -- I just wanted to make it clear so that -- and I'd
23 sure like to have Representative Gallagher concur with that,
24 if he's available, as well.

25 Mr. Gallagher: I do concur with what Senator King

1 expressed. And I think I speak for the whole Commission
2 when I say the intent of this proposal was to build
3 interagency integration and not to add bureaucracy. I
4 think, Mr. Chairman, you did a great job of laying out how
5 far we've come in recent years on the offensive side. A lot
6 of this starts 2 years ago with the provisions we put in, as
7 Congress, to make cyber surveillance and reconnaissance a
8 persistent military activity and traditional military
9 activity.

10 Senator Rounds: Correct.

11 Mr. Gallagher: NSPM-13 is laid on top of that. And
12 one of the -- I think, the primary values of NSPM-13 is that
13 it just establishes clear authority. Right? As my good
14 friend Senator King continually reminds me, you always want
15 one throat to choke, one person to keep accountable. And I
16 think our vision for this was to provide the President with
17 that person primarily on the defensive side.

18 Now, the final thing I'd say is just to confess, my
19 bias when I came into this was to resist the creation of new
20 agencies and, you know, positions. And largely, I think, we
21 have avoided that. But, with this, I've come to believe
22 it's actually the least bureaucratic option. One option
23 would be to create a separate agency entirely. I think
24 that's pretty bureaucratic. But, doing nothing I actually
25 think is the most bureaucratic option, because I think it

1 will lead to a catastrophic cyber incident that will require
2 in layering on of new agencies and positions in response to
3 that. And so, we really want that National Cyber Director
4 to get to the left of that cyber boom by coordinating and
5 advising the President primarily on the defensive side of
6 the equation.

7 Senator Rounds: Great. And thank you very much.

8 And I'm about out of time, but, Mr. Inglis, what would
9 your -- very quickly, what would your thought --

10 General Inglis: I would say that -- I think I speak
11 confidently -- the Commission would support your sense of
12 the substance and the spirit of the National Cyber Director.
13 The National Security Advisor is busy. He doesn't have the
14 time, or she doesn't have the time, to, on a daily basis,
15 try to figure out what our overall strategy is, vis-a-vis
16 cyber. And, much like this committee has reconciled how we
17 think about the military instrument of cyberpower, what we
18 asked, I think, 2 years ago, was, of the Nation, What is the
19 context of the application of the military instrument of
20 cyberpower? Is it a traditional military instrument --
21 traditional military activity, or not? Give us the
22 expectations of what, then, it might do, and then let us go
23 do it. I think the National Cyber Director needs to treat
24 all the instruments of power in the same way: provide
25 context, provide expectations, and allow the depth of

1 expertise to then do that in a distributed fashion.

2 But, absent the sense of the context or the fabric,
3 what we'll have is a series of stovepipes that actually are
4 a jazz band that makes no music worth listening to.

5 Senator Rounds: Thank you.

6 Senator Manchin.

7 Senator Manchin: Thank you, Mr. Chairman.

8 And I guess, to Senator King and to Congressman
9 Gallagher and to General Inglis, I'm understanding that the
10 way we have the 17 different intelligence agencies -- and I
11 would assume every intelligence agency has its own cyber --
12 I know that the FBI has a cyber center for law enforcement,
13 DHS has a cyber center for dealing with cyberattacks on the
14 homeland, DOD, and on and on. So, you're saying that this
15 one person would be gathering all the information. So, I
16 think, if we have a credible threat to the homeland, if we
17 have a credible threat, they all would have to interact, I
18 would assume, and agree that this is a valid threat to
19 present. Is that the way it's done now, or is it,
20 basically, just each one taking their own different
21 direction and shot at how they're going to --

22 Senator King: Well, we've --

23 Senator Manchin: -- counter this?

24 Senator King: Different agencies have different
25 responsibilities. In addition to the ones that you

1 mentioned, other -- the other agencies that have cyber
2 responsibilities are FERC --

3 Senator Manchin: Sure.

4 Senator King: -- the EPA, the Department of Energy. I
5 mean, it's just so broad. And what we're talking about is
6 having an office -- and not a big office. We talked about
7 the possibility, as Representative Gallagher mentioned, of
8 creating a new department, but we thought that was too
9 bureaucratic, too heavyhanded, and would take too long.
10 This is a position that's -- there are really two models for
11 the position we're talking about. One is the Cyber Advisor
12 in the Department of Defense. I think that's an almost
13 exact analogy, because it was created because there was too
14 many moving parts in the Department of Defense. There
15 needed to be a coordinator. The other model was the U.S.
16 Trade Representative, Office of Management and Budget, the
17 Drug Office, and -- I can't think -- I think there's one
18 other. But -- Science Technology, that's right. And these
19 are all presidential-appointed, Senate-confirmed, and it
20 provides them with the status and the ability to have some
21 authority -- and budget review authority is part of it --
22 over the range of cyber-involved agencies in the Federal
23 Government.

24 Senator Manchin: Who do these agencies report to now,
25 Senator? Right now. Who do the heads of these agencies,

1 when there is a cyberattack --

2 Senator King: Well, they -- they're -- they would
3 report directly to the President. There's no cyber
4 coordinator. That's the whole problem.

5 Senator Manchin: So, this is, basically, the
6 coordinator you're talking about.

7 Senator King: Yes. And there was a cyber -- one of
8 the arguments is, well, this was -- traditionally been a
9 position in the National Security Agency as an appointed
10 position by the National Security Advisor. The problem with
11 that is, it's at the whim of any particular --

12 Senator Manchin: I gotcha.

13 Senator King: -- National Security Advisor. Two years
14 ago, this position was eliminated by the then National
15 Security Advisor. That's why we're saying, let's elevate
16 this to the status and the organizational status that it
17 needs in order to be effective to defend the country.

18 Senator Manchin: General Inglis, being the military
19 person you are, the Commission report specifically rejected
20 the idea of deterring cyberattacks on critical
21 infrastructure by threatening retaliation against the
22 attacking country's critical infrastructure. So, I
23 understand the desire to be reserved, but how do you feel
24 your -- this recommendation is going to be adequate to
25 deter?

1 General Inglis: Well, first, if I might go a half-step
2 back and answer another question that you asked --

3 Senator Manchin: Okay.

4 General Inglis: -- which was a concern about whether
5 sector-specific agencies might then be thwarted in the
6 intimate and direct relationship they have, very profitably,
7 in terms of outcomes, with their respective sectors. The
8 Commission actually is with you on that. We actually want
9 to strengthen the sector-specific agencies' relationships
10 and allow them, as representatives of the government, to, on
11 their various faces, continue that strength. And so, the
12 National Cyber Director should benefit from that, but never
13 constrain that; should, essentially, take advantage of that.

14 To your question about whether the Commission believes
15 it is appropriate or inappropriate to attack the critical
16 infrastructure of other nations, I think that our views on
17 that are perhaps more nuanced than a yes or a no. We would
18 start by, first, saying that we believe, as the United
19 States has long attested, we will follow international law,
20 and we will adhere to the global standards of normal
21 behavior that we attested to in 2015 through the auspices of
22 the State Department, that we wouldn't, in peacetime, attack
23 the critical infrastructure of other nations. That being
24 said, in wartime, it is a political decision of the
25 leadership of this Nation to determine, with necessity and

1 proportionality, how we should array the various instruments
2 of national power that we bring to bear. And so, we
3 shouldn't be in a place where we never say never, we just
4 need to follow the rules of proportionality and necessity
5 and the international laws that govern such things.

6 I would offer, though, that it's often a discussion
7 that takes place with respect to the use of force or armed
8 attack. And what we have found is that our adversaries are
9 operating well below that with impunity; essentially, like
10 termites in the woodwork --

11 Senator Manchin: Right.

12 General Inglis: -- as opposed to this flash and bang
13 that might kind of be effected through kinetic weapons.

14 Senator Manchin: I gotcha.

15 General Inglis: What we then have to address is
16 whether or not our adversaries are taking inappropriate
17 advantage of our either complacency or perhaps our implicit
18 tolerance of them inserting themselves into our critical
19 infrastructure, and how do we stop that. You know, I think
20 that there are an array of --

21 Senator Manchin: Yeah.

22 General Inglis: -- methods, some of which include
23 cyberpower. But, the use of diplomacy, the use of legal
24 methods, the use of, perhaps, public shaming, all of those
25 need to be brought to bear to stop that and to hold them at

1 risk in ways that follow international law, that use
2 necessity and proportionality.

3 Senator Manchin: If I could ask one final question to
4 Congressman Gallagher.

5 Congressman, I think, in your opening statements, you
6 all have laid out a significant number of Commission
7 legislative recommendations. Am I correct that each of
8 these recommendations that you described appear in some form
9 in either the House or Senate NDAA's, and they'll be part of
10 the issues in play in our conference of the NDAA? So, it's
11 -- the Commission's report, the recommendations you make,
12 are they in both?

13 Mr. Gallagher: There were --

14 Senator Manchin: Congressman Gallagher?

15 Mr. Gallagher: Yeah, there were six specific
16 recommendations that I talked about that were -- are in the
17 House version of the NDAA, but not in the Senate version of
18 the NDAA. And I brought that up just to urge the Senate to
19 consider the House equities when we're in that discussion.
20 And I believe there is some ongoing debate about our
21 continuity-of-the-economy proposals. And I understand, for
22 various jurisdictional issues in the House and the Senate,
23 there are some other recommendations that made it into
24 neither report. But, we feel fairly good about just the --
25 sort of the baseline of what made it into either the House

1 or the Senate, and hope there is a, you know, collaborative
2 approach in the conference committee processes.

3 Senator King: Senator Manchin, I can present to the
4 committee a chart that exactly answers your question. There
5 are 12 of our provisions in the House National Defense Act
6 that aren't in the Senate version. Okay? There are 12 in
7 the House that aren't in the Senate version. There are 11
8 in both the House and the Senate versions. So, they match.
9 And then there are six in our version that aren't in the
10 House. So, all together, let's see, we've got 29
11 provisions, of which 11 are in both and another more than a
12 dozen can be, and hopefully will be, resolved in the
13 conference.

14 Senator Manchin: Are they outside of the jurisdiction?
15 Is that the problem that we have? Some of those are outside
16 the jurisdiction?

17 Senator King: No, these are all, we believe, close
18 enough so that --

19 Senator Manchin: So, they can be considered in to the
20 --

21 Senator King: Yes.

22 Senator Manchin: -- conferees.

23 Senator King: Yes. Yes, sir.

24 Senator Manchin: You think that will all be -- all 29
25 will be in play.

1 Senator King: Yeah. So, they're in the bill. And we
2 hope that they can resolved so that as many as possible -- I
3 mean, you know --

4 Senator Manchin: Yeah.

5 Senator King: -- we all know what happens with
6 Commission reports. And we were determined to not have that
7 happen.

8 Senator Manchin: I gotcha.

9 Senator King: And that's why we actually drafted
10 legislation rather than just give you ideas. And so, if we
11 can finalize these documents in the -- these amendments in
12 the bill as it comes out of the conference committee, we
13 will have done well more than half of our total
14 recommendations.

15 Senator Manchin: Thank you all. I appreciate it very
16 much.

17 Senator Rounds: Thank you.

18 And -- yeah, just in looking back over the numbers of
19 -- that I've got in front of me, it's been great to see the
20 number of them that were actually put into the -- this
21 subcommittee's mark, and then the other three that were
22 added on the floor. We couldn't do them in subcommittee,
23 because of jurisdictional issues, but -- so, that was good
24 to see, I think, 14 total coming out of the Senate, and then
25 holding a spot for the discussion on the National Cyber

1 Director position, as well. So, I think the committee has
2 been very successful, and you've done some great work.

3 Just to follow up a little bit, I did start out -- when
4 I first got onto this committee, I was very interested in a
5 National Cyber Advisor of -- or National Cyber Director.
6 Then I kind of came around a little bit, saying there -- the
7 one thing I was concerned about is, is that things were
8 starting to work within the Department of Defense. We were
9 actually having some movement forward, getting some things
10 done, and I was concerned that we not create any silos. And
11 I'm very happy to hear all of you indicate the same, that it
12 is not the intention, and the legislation should not be
13 there, to create that. But, there is clear evidence that
14 the Congress has, in the past, asked for Senate-approved
15 members to advise the President or to participate in the
16 executive branch. And I just thought I'd take a minute just
17 to make that point here.

18 Examples of such positions that currently exist, that
19 Congress has put into law, top leaders of the Office of
20 Management and Budget, the Director, the Deputy Director,
21 the Deputy for Management, the Controller, the Office of
22 Federal Financial Management, OMB; Administrator, Office of
23 Information and Regulatory Affairs, OMB; Administrator,
24 Office of Federal Procurement Policy, OMB; Director of
25 Office of National Drug Control Policy; top leaders of the

1 Office of Science and Technology Policy, including the
2 Director and the Associate Directors; Intellectual Property
3 Enforcement Coordinator; Chairman, Council of Economic
4 Advisors; Chair and Members, Council on Environmental
5 Quality; top leaders of the Office of the United States
6 Trade Representative, including the United States Trade
7 Representative, Deputy United States Trade Representatives,
8 Chief Agricultural Negotiator, Chief Innovation and
9 Intellectual Property Negotiator. And I understand that,
10 really, a lot of the language that you've put into this
11 proposal comes from the legislation authorizing and
12 directing the United States Trade Representative, as well.
13 So, there is a format that's been followed here that we can
14 look at to see whether it's successful, or not, in terms of
15 advising the President of the United States.

16 So, I think you've done your work on it. And most
17 certainly, I'd -- if there's any part of it, as I say, that
18 we were concerned with, it was that we make sure that we
19 allow what is working within cyber operations of the DOD to
20 continue to work, and that we not create any other silos.

21 The other thing the committee -- that the committee
22 talked about a little bit was the direction with regard to
23 our activity in cyberspace, whether there should be -- you
24 know, what type of deterrence should be used, whether we
25 should be putting more emphasis on defensive activity,

1 making it more difficult for our adversaries to get in. And
2 I'd just like to take just a minute, because I -- just to
3 give you the opportunity to share a little bit about your
4 thoughts regarding the operations in cyberspace. You've got
5 air, land, sea, space, and cyberspace. And most certainly,
6 the most inexpensive of any to get into and to create havoc
7 everyplace else is cyberspace. We have to be on top of our
8 game. Can you share with me a little bit your thoughts
9 about the questions, concerns that your Commission found or
10 that you wanted to express and maybe haven't had the
11 opportunity to do so, so far?

12 Senator King: Thank you, Mr. Chairman.

13 And there are a couple of aspects. One I want to touch
14 on very quickly. One of our major recommendations, which
15 isn't before this committee, but -- is for the creation of
16 an Assistant Secretary of State for Cyber, because
17 international norms and expectations are an important part
18 of this discussion. And if we're not at that table, we can
19 lose -- when they are talking about standards or whatever,
20 this is a place where we've lost some ground. So, that's
21 one of our recommendations.

22 But, I think the -- what I'd like to say about the
23 deterrent issue is that this was a -- there was a great deal
24 of discussion about this, and it grow -- it grew, for me,
25 out of many of the hearings that you and I have sat through

1 over the last 4 or 5 years, where we haven't had a deterrent
2 policy. We've been purely defensive. And what we are
3 saying is that there's a level -- everybody knows that there
4 would be a response if there was an attack on critical
5 infrastructure. But, the question is, What happens if
6 there's an attack on our election, or what happens if
7 there's wholesale theft of intellectual property? What's
8 the response? And because there hasn't been, and because,
9 as you point out, this is a cheap way to make war, then
10 we've become a cheap date. We've become an easy target.
11 And what the Commission suggests is, there needs to be a new
12 declaratory policy that there will be a response. It may
13 not be cyber. It may not be kinetic. It may be sanctions.
14 It may be any part of the national power toolkit, but that
15 there will be a response.

16 And another sort of wrinkle of this that's very
17 important is, 85 percent of the target space in cyber is in
18 the private sector. It's not the Army and the Air Force.
19 They will be under attack -- cyberattack. But, the target
20 space is in the private sector. And that's where we have to
21 really develop relationships. This is a whole new way of
22 thinking. One of the things we talk about is the
23 intelligence agencies being able to share with the private
24 sector what they're learning about cyberattacks on SCADA
25 systems at power plants.

1 So, you're absolutely right, the discussion of the
2 deterrent idea was an essential part and a lot of discussion
3 in the Commission, but we concluded that there had to be
4 some deterrent. It can't simply be defensive, patching,
5 make it more difficult, cyber hygiene. All those are
6 important, but we wanted our adversaries, when they're
7 contemplating a cyberattack on the United States, to say,
8 "But, what will they do to us?" We want that to be part of
9 their risk calculus.

10 A formative moment for me was when we were interviewing
11 the head of NSA, 3 or 4 years ago in this committee, and I
12 asked him if there was any deterrent to the -- a foreign
13 adversary taking these kinds of actions. And his answer,
14 I've never forgotten, was, "Not enough to change their risk
15 calculus." And that, to me, is a -- is an admonition and a
16 warning to us that we have to, not only defend ourselves,
17 but we -- our adversaries have to know that we can and will
18 respond in such a way as to make them regret their attack.

19 Senator Rounds: Thank you, sir.

20 I'm going to turn it over to Senator Manchin.

21 Senator Manchin: Mr. Inglis, one of the Commission's
22 recommendations that was included in the Senate NDAA is to
23 have the Defense Department carefully and comprehensively
24 assess whether the Cyber Mission Force, our military
25 cyberforces, are rightly sized. We included the

1 recommendation in our bill, and it is important. Frankly,
2 this mission is so new, and we had to create everything from
3 scratch 10 years ago. No one really knew how many people it
4 would take to perform this mission, or even, really, the
5 exact mix of skills we needed to get the job done. But, as
6 you know, we also realized that Cyber Command can only get
7 after targets, and clever people can figure out to get
8 inside that target through cyberspace and, if we have
9 infrastructure in the right places, to get access to it.
10 These are really high-end skills, and enabling accesses
11 requires a lot of smart planning by a lot of smart people.
12 If you don't have the accesses to military targets, adding
13 more cyber units are not going to accomplish much.

14 So, my question is, Did the Commission examine whether
15 Cyber Command has difficulties recruiting, training, and
16 retaining enough people with the requisite skills to
17 generate accesses to support an expansion of the
18 cyberforces?

19 General Inglis: I think that we did look at that,
20 nationally and then within the various components that
21 constitute those who employ cyber workers within the United
22 States Federal bureaucracy. Our sense of United States
23 Cyber Command is, they've done a great job within the
24 authorities that they have of recruiting, training, and
25 developing for careers the people necessary to do the work

1 that they do. But, as you well know, those forces were set
2 in size in the year 2013. I think we're sitting now with a
3 combined size of that force, the actual, kind of, pointy-end
4 of the force, about 6200, 133 teams, sized in a time and
5 place when our sense of how we use military cyberpower was
6 different, in a time and place when the sense of where that
7 should be used was different. It's time to review that.
8 It's time to take a look at that.

9 But, to your point, we need to also, at the same time,
10 make sure that we've done everything necessary to create a
11 bigger pie from which we can recruit, and, once we recruit,
12 to focus hard on: How do you retain those people across
13 careers in cyber disciplines?

14 Senator Manchin: If I could follow up with Congressman
15 Gallagher on that.

16 Congressman, your Commission did make a recommendation
17 that you have not emphasized here today, or Senator King,
18 and, I assume, because it did not get much serious
19 consideration here in Congress. That recommendation is that
20 the House and Senate should establish select committees on
21 cybersecurity, with members drawn mostly from all the
22 committees, and each member that has significant
23 jurisdiction over our national cybersecurity problem. So,
24 maybe next year you can give it another try and see if that
25 goes anywhere. If you want to comment on that, I'm happy to

1 hear.

2 Mr. Gallagher: Well, I understand the difficulties of
3 trying to reform committee jurisdiction in both the House
4 and the Senate. We view this as a critical recommendation.
5 It was one that we spent a lot of time debating as -- just
6 as we want that single point of focus within the executive
7 branch, that person who wakes up every single day thinking,
8 How can we defend the country in cyber? So, too, I think we
9 want a repository of legislators who have the ability to
10 develop true cyber expertise, can hold that person, as well
11 as the other people in the executive branch that work on
12 this issue, accountable, and just creates a space where the
13 executive branch and the legislative branch can work
14 together to keep the country safe. So, I understand the
15 difficulties of this proposal, but I view it as necessary.
16 It's one drawn from Congress's own history of creating
17 permanent select committees on intelligence.

18 The final thing I'd say, Senator, is that I think the
19 most forceful advocate for this proposal was my colleague in
20 the House, Congressman Jim Langevin, who presumably has the
21 most to lose, jurisdictionally, given that he chairs the HAS
22 Subcommittee that is analogous to your committee, and
23 therefore -- but, you know, might lose some jurisdictional
24 power. But, he feels very strongly about this proposal, as
25 well.

1 Senator Manchin: Thank you.

2 And, Senator King, you might want to follow up, if you
3 will, real quick, on -- let me ask you something else.

4 Senator King: Well, first, I wanted to --

5 Senator Manchin: Okay.

6 Senator King: -- follow up. I think, to illustrate
7 the difficulty of the congressional organization, in order
8 to get -- I gave you the list of those amendments that had
9 been cleared and put in -- we had to get 180 clearances from
10 both sides on multiple committees and subcommittees. I
11 mean, that gives you a flavor of how bifurcated -- there's
12 got to be a word -- fractioned, or fractured, the
13 congressional process is. So, that's something that we're
14 going to continue to work on.

15 The analogy is, the Intelligence Committee, which was
16 created in 1976 for the same reason, there was a realization
17 that intelligence was scattered throughout the Federal
18 Government and throughout the Congress, responsibility, and
19 it made sense to put it into one set of expert hands. And
20 that's the origin of the Intelligence Committee. We think
21 the same thing should be done here, and I'll continue to
22 pursue the idea.

23 Senator Manchin: With all the expertise you all had on
24 your Commission -- it seemed like you had a wide range of
25 people coming from different walks of life that had

1 expertise to add -- what was the greatest concern, if we can
2 talk about -- maybe we can't in this type of a setting --
3 but, the greatest concern you had with our cybersecurity
4 right now, and what our adversaries are trying to do to us
5 on a daily basis, of the vulnerability we might have that
6 you was really concerned about? Or did all of you agree you
7 had one highly concerned sector of our society that was
8 vulnerable?

9 Senator King: I can't identify one sector, but
10 critical sectors, one that doesn't get enough attention, is
11 water. Our water system, there are something like 50,000
12 different water companies --

13 Senator Manchin: Yeah.

14 Senator King: -- in the United States, and there are
15 vulnerabilities there; all of our financial system, our
16 telecommunication system; of course, electrical energy. And
17 this is ongoing. We've talked to utility executives, for
18 example, one of whom told us his system was attacked 3
19 million times a day.

20 Senator Manchin: Jesus.

21 Senator King: Three million times a day. And that
22 gives you the range. Banks, I know, the same -- I don't
23 know if it's the same number, but hundreds of thousands of
24 times a day. So, this is an ongoing threat, not only from
25 State actors, but from malign actors who are doing

1 ransomware, sometimes they're just garden-variety crooks,
2 but they're also people that want to undermine our society.

3 So, I can't give you one specific target that we most
4 worried about. I think our worry was that we just didn't
5 feel that the country was adequately prepared for what
6 could, and likely will, happen.

7 General Inglis: And, sir, could I speak to that, too,
8 then --

9 Senator Manchin: Of course.

10 General Inglis: -- you know, building on that, just to
11 say that there is the insidious threat, which is that our
12 concern was that our adversaries -- whether they be
13 criminals or nation-states, or those in between, it could
14 beat one of us, without garnering the attention or the
15 response of the rest of us. We actually have a situation
16 where we've been divided, and we're slowly being conquered
17 one at a time, "The hole's not on my side of the boat,
18 therefore I'm not going to help you kind of patch the hole
19 on your side of the boat."

20 Our view is -- and you won't find this line in the
21 report, but if I was stuck in an elevator with somebody and
22 had 10 seconds to get out, what we propose is that, if
23 you're an adversary in this space, henceforth, you're going
24 to have to beat all of us to beat one of us. That actually
25 derives from using all of the talent, all of the expertise,

1 all the authorities that we already have in a more coherent,
2 more joined-up fashion, preparing as one, applying those
3 resources as one, such that, when we execute this in a
4 distributed fashion, much like the Department of Defense
5 has, we're giving the freedom to operate, we know that we're
6 operating according to some larger strategy, consistent with
7 some larger purpose, and that we're helping whatever is to
8 the left of us, to the right of us. That's a fundamental
9 problem for us at this moment in time.

10 As we made the rounds over 400 different engagements,
11 most of those in the private sector, we heard time and again
12 from the private sector, "I like the part of government that
13 I have an interaction with" -- maybe it's a sector-specific
14 agency -- "but I'm not sure I know what the government
15 strategy overall is. The government's not joined up and,
16 therefore, not in a position where it can be a viable
17 collaborator with me, the private sector, who is bearing,
18 then, the burden of this, kind of, transgression after
19 transgression." They want the government to be joined up,
20 they want it to be coherent, they want it to be a viable
21 partner at the same speed that they enjoy on the edge that
22 they approach that government.

23 Senator Manchin: Thank you.

24 Senator Rounds: Look, I want to take this time to just
25 say thank you to all of our participants. This is critical,

1 that we get this right. Today, I think there's an
2 understanding, somehow, that the Department of Defense has a
3 role to play with regard to coming in and working internally
4 within the United States to defend, and yet they can't
5 really step in unless they coordinate with Homeland.
6 Homeland, basically, requests, and then DOD can, but it's
7 almost like if -- in terms of an analogy, if you have
8 archers on the outside shooting arrows in, you can work all
9 day at trying to catch each arrow that's coming in -- and
10 you're talking millions of them -- or at some point, you
11 have to go after the archer. And the challenge on it is,
12 defensively and offensively, how do you do that in the best
13 way possible?

14 I can't say enough about how important I think it is
15 that the work that you've done on the Commission be
16 recognized, and that we do our best to incorporate what we
17 can into the NDAA.

18 The second piece that I think we have to recognize --
19 and I want to thank Senator Manchin for being here today --
20 we had a number of other members who were here early on, and
21 then had to leave. It's multiple meetings at the same time.
22 But, we shouldn't leave without recognizing how far our
23 cyber teams have come in just the last few years. And the
24 way in which General Nakasone and those teams have really
25 stood up what has been an impressive series of achievements,

1 both offensively and defensively, and yet they will tell you
2 it's still so much more work to be done. And so, everything
3 we can do to provide them with the tools that they need and
4 the correct public policy that they need in order to do
5 their job, the better off we're going to be. And every
6 other domain, whether you're talking air, land, sea, space,
7 all of them are dependent on our ability to protect them in
8 cyberspace, because it's all connected. And it's the least
9 expensive way for our adversaries to get in and actually do
10 damage in any one of the other domains. And so, we have to
11 pay attention to it.

12 And I think the work that you've done is to be
13 commended, and we appreciate your time today.

14 Senator Manchin, any final thoughts?

15 Senator Manchin: No, I appreciate all the work. I
16 know there's an awful lot of effort that you all have put in
17 this for quite some time, and I appreciate it very much.

18 And, having served with Senator King on Intel
19 Committee, it's kind of opened our eyes. There's a lot of
20 concerns we have. And we're still very good at what we do,
21 but we can be a lot better and make sure that we can protect
22 the American people the best we can.

23 My only thing was -- I was wanting to ask the question
24 on -- do you see the private sector starting to harden up a
25 little bit? Are we communicating with them well enough to

1 let them know they have a responsibility to harden up, also?

2 Senator King: The answer is yes. And I would include,
3 when you say "the private sector," also the States, the
4 public -- the election system, for example.

5 Senator Manchin: Are they looking to us -- I guess,
6 Senator King -- are they looking to us, basically, to do it
7 all for them, or do they understand they've got to come to
8 the table, too?

9 Senator King: No, no, they're very much engaged in
10 their own --

11 Senator Manchin: Okay.

12 Senator King: -- in their own processes. But, as I
13 said, this -- because 85 percent of the target space is the
14 private sector, and the Chairman, in his very opening
15 remarks, said that we're here to defend the Nation. We've
16 got to help defend them, but they have to --

17 Senator Manchin: Yeah.

18 Senator King: -- do their part.

19 Senator Manchin: Yeah.

20 Senator King: Building those relationships is very
21 much a part of what we're trying to establish. And it's
22 happening, I can assure you. But, we're not there yet.

23 Senator Manchin: Thank you all.

24 Thank you very much.

25 Senator Rounds: With that, I would like to say thank

1 you to our witnesses today: Senator Angus King, The
2 Honorable Michael Gallagher, and Brigadier General John
3 Inglis, Retired. Thank you, to all of you, for your
4 testimony.

5 And, with that, this subcommittee meeting is adjourned.

6 Thank you.

7 [Whereupon, at 3:43 p.m., the hearing was adjourned.]

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