

January 17, 2012

The Honorable Harry Reid  
Majority Leader  
United States Senate  
Washington, DC 20510

Dear Majority Leader Reid,

On behalf of the Software & Information Industry Association (SIIA), thank you for your leadership in seeking to advance cybersecurity legislation in the near future. SIIA shares your goal to strengthen the nation's IT infrastructure and protect against growing cyber threats. We believe this goal can best be reached through focused, bipartisan legislation that promotes innovation.

SIIA is the principal trade association of the software and digital information industry, with more than 500 members that develop and market software and electronic content for business, education, consumers and the Internet. As leaders in the global market for software and information products and services, many SIIA members provide products and services that protect businesses, consumers and the public sector from cyber-attacks, viruses, and a wide range of online security threats. SIIA and its members are dedicated to maintaining and expanding the partnership between the private sector and the government to address our Nation's cybersecurity challenges, and we have spent much time over the last several years focusing on these critical issues, working closely with Administration officials and Congressional leaders.

Today's cyber threats are more sophisticated and targeted than ever and are growing at an unprecedented rate, necessitating advanced protection and instantaneous remediation. As you know, cybercrime perpetrators have evolved from simple, low-budget, hackers into cutting-edge state-sponsored threats, or well-financed criminal operations that contribute to a multi-million dollar cybercrime industry. Certainly the time has presented itself to enact critical cybersecurity legislative priorities that will help the public and private sectors work together to more effectively mitigate this threat.

However, legislation, if not done carefully, could do more harm than good. Last year, SIIA adopted broad principles to guide the development of cybersecurity legislation, noting among other things that "the government should not mandate specific measures that need to be adopted by the private sector. Specific mandates generally do not adapt with the changing threat and technology landscape, potentially becoming a hindrance to security advancement later on." We would be most concerned if such mandates affected industry's ability to design, develop and deploy technology.

As the Senate prepares to consider comprehensive cybersecurity legislation, we urge you to carefully look at the opportunity to quickly enact several critical components that would immediately enhance our cybersecurity posture. Specifically, SIIA believes that it would be most effective to enact legislation that would address the following critical priorities which enjoy broad bipartisan consensus in the House and Senate:

- Enhance information sharing between the public and private sectors,
- Reform of the Federal Information Security Management Act of 2002 (FISMA),
- Enhance and improve law enforcement tools and criminal penalties for cybercrimes, and
- Encourage increased cybersecurity research.

At the same time, SIIA strongly recognizes and supports the desire to advance other critical cybersecurity objectives, but which do not yet appear nearly as close to broad consensus. These issues include:

- Provide a national framework for data security and data breach notification,
- Designate and protect "covered critical infrastructure" (CCI),
- Clarify the role and authorities of the Department of Homeland Security (DHS),
- Ensure the security of the U.S. IT supply chain, and
- Create incentives for individuals and businesses to enhance their cybersecurity preparedness.

In particular, SIIA would welcome forward movement on a good data security and breach notification legislation. However, House and Senate consideration of this legislation in 2011 revealed many significant differences still needing to be resolved.

As a general matter, SIIA views securing the Nation's public and private IT networks as a critical ongoing priority that will require the attention of Congress, the Administration and industry for the weeks, months and years ahead, not something that can or should be achieved with just one piece of legislation. While SIIA shares your goal to address the Nation's cybersecurity needs broadly, we think it would be most productive to focus legislation on those issues that already have bipartisan support in both Chambers and would improve cybersecurity right away, while continuing to work on those more complex components that are still the subject of sharp differences of opinions.

Again, thank you for your leadership on this critical issue. As you and other Congressional leaders consider cybersecurity legislation, we look forward to working closely with you to protect the Nation's IT infrastructure.

Sincerely,



Ken Wasch  
President