

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
SENIOR VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

February 26, 2018

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, D.C. 20510

The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Johnson and Ranking Member McCaskill:

The U.S. Chamber of Commerce supports adding S. 2392, the “Cyber SAFETY Act of 2018,” to H.R. 2825, the “Department of Homeland Security Authorization Act,” during the Committee’s scheduled markup on February 28.

The Support Anti-Terrorism by Fostering Effective Technologies Act (SAFETY Act) became law in 2002. S. 2392 would expand the SAFETY Act to help account for the damages that illicit and harmful cyber activity imposes on the U.S. economy.

The SAFETY Act provides industry with incentives to develop and deploy state-of-the-art tools to help protect organizations and people from acts of terrorism. This law eliminates or minimizes liability for manufacturers, sellers, and users of anti-terror technologies that are approved by DHS. S. 2392 would extend the SAFETY Act program to cybersecurity technologies and services by granting liability protections to industry for a terrorist act or a qualifying cyber incident that is caused by malicious cyber actors.

The Chamber believes it is time to modernize the voluntary SAFETY Act, particularly given the apparent increase in cyberattacks against U.S. public and private institutions. S. 2392 recognizes that the trigger for liability protections tied to a qualifying cyber incident should not turn solely on the identity of the attacker, but on the severity of the cyberattack against American interests.

The Chamber also supports including H.R. 3359, the “Cybersecurity and Infrastructure Security Agency Act of 2017,” in H.R. 2825. H.R. 3359 would redesignate DHS’ National Protection and Programs Directorate as the Cybersecurity and Infrastructure Security Agency. The Chamber appreciates the Committee’s efforts to clarify which component within DHS that industry stakeholders should engage with on cybersecurity.

The Chamber welcomes the discussions that it has had with the Committee regarding DHS' Private Sector Office (PSO). The Chamber maintains that if the PSO is closed or subsumed within another portion of DHS, industry's ability to advocate its views to officials regarding departmental policies, regulations, and processes could be unintentionally diminished. Such an outcome would serve neither the interests of the business community nor government.

The Chamber looks forward to continuing to work with the Committee to help advance and improve H.R. 2825.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a stylized flourish at the end.

Neil L. Bradley

cc: Members of the Committee on Homeland Security and Governmental Affairs