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Congress of the United States
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COMMITTEE ON
HOMELAND SECURITY
RANKING MEMBER,
SUBCOMMITTEE ON CYBERSECURITY,
INFRASTRUCTURE, PROTECTION,
AND INNOVATION
COMMITTEE ON SMALL BUSINESS

December 15, 2021

President Joseph R. Biden Jr.
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

I write to express my immense concern with the persistent threat of devastating cyberattacks perpetrated by nation-state foreign adversaries against U.S. critical infrastructure. The time for action is not today or tomorrow, it was yesterday. The U.S. Intelligence Community has been warning for years that adversaries have the means and the motivation to hold at risk our Nation's lifeline sectors—and we cannot afford another cyberattack on a critical infrastructure entity like the Colonial Pipeline attack in May.¹ Given this reality, it is unfathomable that there appears to be little to no progress on the implementation of the authority you were given to develop a Continuity of the Economy (COTE) plan.

The concept of COTE was first broached by the U.S. Cyberspace Solarium Commission, and was then codified by the National Defense Authorization Act for Fiscal Year 2021 (FY21 NDAA).² Section 9603 of the FY21 NDAA requires the President to “develop a plan to maintain and restore the economy of the United in response to a significant event” [such as] “an event that causes severe degradation to economic activity in the United States due to a cyberattack or another significant even that is natural or human caused.”³ The law states the President must submit a plan in coordination with several cabinet officials “not later than 2 years after the date of enactment of this Act.”

As we approach the 1-year mark since the enactment of the FY21 NDAA on January 1, I am concerned that there appears to be no action taken to develop or implement this plan. The execution of this law requires a whole-of-government effort lead by the Commander-in-chief—and you are expected to step up to the plate to pave the way forward accordingly.

The development of such a plan is without a doubt a substantial undertaking, but one that is an absolutely fundamental national security imperative for the safety, security, and prosperity of the United States. You cannot tackle this task alone—I urge you to leverage the Cybersecurity and Infrastructure Security Agency's (CISA) unique position as both the lead Federal civilian cybersecurity agency and as the government entity that maintains strong partnerships with private sector critical infrastructure entities to get this done right.

¹ 2021 Annual Threat Assessment of the U.S. Intelligence Community: <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2021-Unclassified-Report.pdf>

² U.S. Cyberspace Solarium Commission March 2020 Report: <https://www.solarium.gov/>

³ <https://www.congress.gov/116/bills/hr6395/BILLS-116hr6395enr.pdf>

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As you know, the threat landscape is growing increasingly hostile with tensions escalating with Russia in Ukraine and China threatening Taiwan. The United States may soon find our lifeline sectors under attack by foreign adversaries with the intention of constraining our ability to protect our interests overseas. A robust COTE plan will not only give the U.S. economy the ability to recover quickly from such an attack domestically, but it can also serve as a key deterrent to foreign adversaries abroad.

Again, the time for action has already passed, and our country cannot afford to continue to rest in the wake of persistent adversarial risks. I request a briefing from your administration on the progress you've made on the COTE plan since the enactment of the FY21 NDAA.

Sincerely,



Andrew R. Garbarino
Member of Congress

cc:

The Honorable Christopher Inglis
National Cyber Director

The Honorable Alejandro Mayorkas
Secretary of Homeland Security

The Honorable Jen Easterly
Director of the Cybersecurity and Infrastructure Security Agency