

## **The Honorable Anna G. Eshoo**

1. If you could ask Congress to address one unfinished piece of business relative to cybersecurity, what would it be?

Response:

The single most important step that can be taken to enhance both the government's and the private sector's cybersecurity posture is to give our companies' security personnel access to real-time, actionable cyber threat information by amending the current legal framework concerning the collection, use, and sharing of information. The current framework remains a substantial barrier to effective communication between and among all relevant public and private stakeholders. Neither private sector companies nor the federal government can or will share cyber threat information with each other in real time – in other words, in time to avert the real threat at hand – until they are appropriately permitted by law to do so, and are protected from the potential threat of class actions, criminal prosecutions, administrative enforcement proceedings, regulatory rulemakings, or other similar legal liabilities.

USTelecom notes that addressing this critical need is urgent, and is unrelated to the recent reports and reaction to the National Security Agency's (NSA) alleged surveillance programs. There is a clear difference between what the NSA is reported to have done and the critical need of our industry for a voluntary process that will allow our companies to protect our networks and customers from cyber attacks – including malware, viruses, denial of service attacks, exfiltration of intellectual property, and other threats – through the ability to share information in real time or near-real time among other companies, and with appropriate government agencies. Thus, regardless of whether Congress chooses to amend the Patriot Act or the Foreign Intelligence Surveillance Act (FISA) in response to the NSA programs currently under review, the fact remains that cybersecurity information-sharing legislation that provides necessary liability protections while also containing appropriate privacy and civil liberties provisions should be passed by Congress as soon as possible.