

**STATEMENT OF THE HONORABLE WM. LACY CLAY
AT THE SUBCOMMITTEE HEARING ON
CYBER SECURITY**

APRIL 8, 2003

Thank you Mr. Chairman for calling this hearing, and I would like to welcome the witnesses who are going to testify before us today. The issue before us today, as the chairman has pointed out, is as critical as any national security issue. Unfortunately, it is even more complex than most.

There are really two issues before us today. First, as the title of this hearing implies, we must examine the processes in place for protecting our nation's critical infrastructures like the telephone system, financial systems, the supply of electricity, natural gas, water, and emergency services. Second, and equally important, we must examine the security of the computer systems that run our government from day to day. Just last November, this committee issued a report on computer security where only three agencies got grades of C or above, and 14 agencies failed.

Some of the answers to these questions are the same. Computer security takes place in the trenches. If the man or woman sitting at the desk doesn't do the proper things, then our systems will not be secure. If the system administrator doesn't install the proper patches when they become available, then our systems will not be

secure. If the procurement officer doesn't examine software for security features before recommending or approving a purchase, then our systems will not be secure. All of the security plans in the world will not make our systems secure unless those at the heart of the system do their job.

As we have learned, computer security has not been a priority at agencies. Over the past four years Congress has steadily turned up the heat. Former Representative Horn issued a number of report cards, each one showing that the situation was worse than we realized. One of the lessons from that experience was that when we ask agencies to evaluate themselves, they are often overly optimistic. Last year, the report cards based primarily on audit reports from the Inspectors General were the worst ever.

We may have turned the corner. Last year we passed the Federal Information Security Management Act known as FISMA, which is a significant step forward in setting out requirements for computer security that agencies must follow. Now we must assure that those requirements are implemented. It is my understanding that OMB has yet to issue the guidance required under FISMA. I hope that in the second panel Mr. Forman will tell us that OMB has renewed its efforts to assure that the requirements of FISMA are implemented. We have a long way to go, but I believe that we are on the right track to secure our governments day-to-day computer systems.

I am not sure I can say the same thing about protecting our critical infrastructure. While I believe we are making progress in this arena, it is very slow. It has been almost seven years since President Clinton established the President's Commission on Critical Infrastructure Protection, and almost five years since President Clinton issued Presidential Decision Directive 63 to assure critical infrastructure protection. I expect our witnesses today will report on how we are progressing towards the goals established in that directive.

What concerns me, however, is that we have entered an era where things like critical infrastructure protection and homeland security are being used to erode our open government. Just last week, *USA Today* reported that we are facing the biggest rollback of open government laws since those laws were passed 30 years ago. What is tragic is that this renewed emphasis on secrecy is unnecessary.

In the 19th century, the cryptographer Auguste Kerckhoffs set down a principle that guide the most advanced work in cryptography today -- in good systems, the system should not depend on secrecy, and it should be able to fall into enemy's hands without disadvantage. Put another way, the knowledge that American citizens are going to jump anyone who tries to hijack a plane does more to prevent hijackings than all of the secret plans at the Transportation Security Agency. If we sacrifice the fundamental principles of our society in the name of security we have won neither security nor freedom.

