

Congress of the United States
Washington, DC 20515

February 27, 2015

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20006

Dear Mr. President,

In the wake of the devastating cyber-attack by North Korea on Sony Pictures and the more recent attack on Anthem, Inc., which based on the high level of sophistication may also have been state-sponsored, we write to request information on the actions your Administration is taking in response to malicious activities committed by foreign governments in cyberspace. Additionally, we seek information on how the Administration classifies and defines different types of cyber-attacks, and how the U.S. Government will respond when those different types of cyber-attacks occur.

On December 21, 2015 you rejected the characterization of North Korea's attack on Sony Pictures as an "act of war", opting instead to call that country's actions an act of "cyber vandalism" to which the U.S. would "respond proportionally." Your comments have generated a debate over terminologies. For example, some policy makers and academics have disagreed with your conclusions and preferred to refer to that attack as an act of "cyberterrorism."

Your comments raise a number of important questions, such as:

1. How does the U.S. Government define acts of cyber war(fare), cyber vandalism, cyberterrorism, or other any other terms that may be used by the U.S. Government to define a cyber-attack?
2. Does any such designation impact the Treasury Secretary's authority to certify a cyber attack as an "act of terrorism" for purposes of the Terrorism Risk Insurance Act?
3. How does the U.S. Government define a proportional response to acts of cyber war, cyber vandalism, cyberterrorism, or any other term used by the U.S. Government to define a cyber-attack?
4. Who, or which agency, in the U.S. Government is responsible for designating acts of cyber war, cyber vandalism, cyberterrorism, or any other term used by the U.S. Government to define a cyber-attack?
5. Do established statutory definitions of foreign terrorist organizations include foreign terrorist organizations that engage in acts of cyberterrorism?
6. The Department of State defines terrorist safe havens as "ungoverned, under-governed, or ill-governed physical areas where terrorists are able to organize, plan, raise funds, communicate, recruit, train, transit, and operate in relative security because of inadequate governance capacity, political will, or both." Would this definition apply to country's that harbor cyber hackers?

As lawmakers, we want to work with you to ensure that our legal code and government policies reflect the threats that occur in cyberspace. For that reason, it is important that the questions posed in this letter are answered with specificity. We respectfully request that you respond in a timely manner and include in your response any additional information on this subject that you may find pertinent, such as suggestions for authorities or assistance that the executive branch may need to respond to acts of state-sponsored cyberterrorism, cyber vandalism, cyber war, or any other term used by the U.S. Government to define a cyber-attack.

We appreciate your consideration of this important subject and look forward to working with you to bolster our domestic defenses and enhance our international capabilities in cyberspace.

Sincerely,



MICHAEL T. McCAUL
Chairman
House Homeland Security Committee



EDWARD R. ROYCE
Chairman
House Foreign Affairs Committee

cc: The Honorable John Kerry, Secretary, U.S. Department of State
cc: The Honorable Susan Rice, National Security Advisor to the President