

Congress of the United States
Washington, DC 20515

October 11, 2012

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

Dear Mr. President:

We urge you not to issue an executive order exerting regulatory influence over the Internet in the name of cybersecurity. Doing so will lend further arguments to nations such as Russia, China, and Iran that are currently seeking to upend the non-regulatory, multistakeholder governance model that has allowed the Internet to flourish. Their goal is to give the United Nations unprecedented power over Internet infrastructure and content at an International conference in Dubai this December, and to regulate it within their borders under the guise of combating cyber threats. The House and Senate each recently passed resolutions unanimously opposing such attempts to exert regulatory control over the Internet. An ill-advised executive order would undermine these important, collaborative efforts.

Lawmakers in both chambers of Congress and on both sides of the aisle agree that cybersecurity is of critical importance to America's safety and prosperity in the 21st century. The House of Representatives has already passed the Cyber Intelligence Sharing and Protection Act (CISPA) to bring the nation's considerable wealth of public and private sector intelligence to bear on the challenge of securing America's vital communications networks. A number of proposals continue to be debated in the Senate. The United States has been a beacon of online freedom. Unilateral action altering oversight of the Internet in this country could be interpreted by the rest of the world as a statement of "do as I say, not as I do."

While we have not seen your proposed executive order, multiple reports suggest that it would authorize the Department of Homeland Security (DHS) to determine what constitutes "critical infrastructure," and then adopt certain standards for how such infrastructure is managed to guard against cyberthreats. This is the wrong approach. And the recent bipartisan report from the Senate Homeland Security Subcommittee on Investigations documenting severe mismanagement at DHS does nothing to increase our confidence. What our nation and the companies that make up our cyber frontline need, above all else, is flexibility. At best, creating a top-down, one-size fits all bureaucracy to address cybersecurity will slow our response and impose unnecessary costs on our economy. At worst, it will provide a road map to those that

wish to do us harm. What we should encourage is a diversity of public and private sector approaches and an exchange of information and ideas to create heterogeneous and evolving defenses.

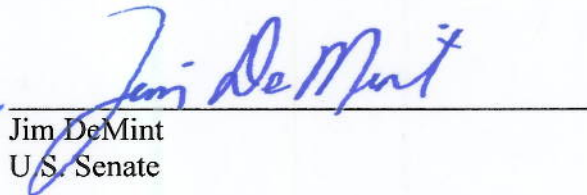
An executive order exerting influence over critical infrastructure is not just a step in the wrong substantive direction. It will almost certainly be exploited by other nations to justify their efforts to regulate the Internet. This is a most critical time, and we cannot afford a hasty, unilateral action that will only serve to bolster the efforts of less democratic nations to stifle the very free exchange of ideas and expression that has allowed the Internet to flourish across the globe.

For these reasons, we urge you to rethink the wisdom of an executive order.

Sincerely,



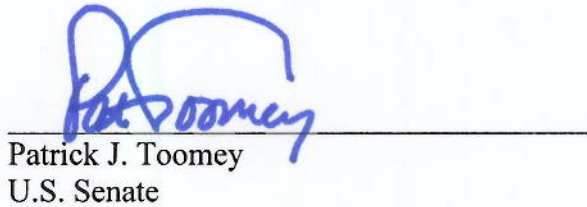
Fred Upton
U.S. House of Representatives



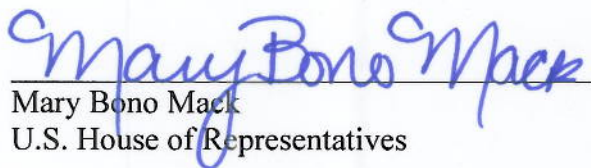
Jim DeMint
U.S. Senate



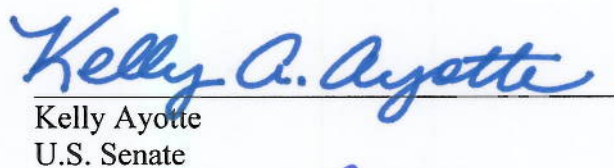
Greg Walden
U.S. House of Representatives



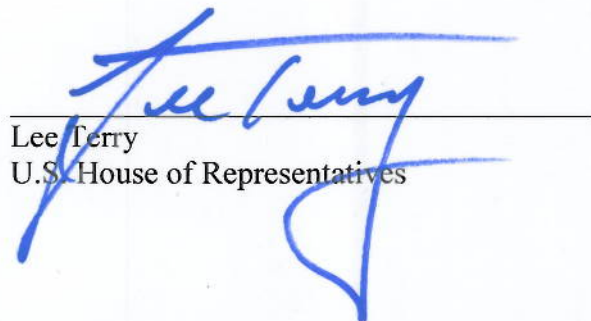
Patrick J. Toomey
U.S. Senate



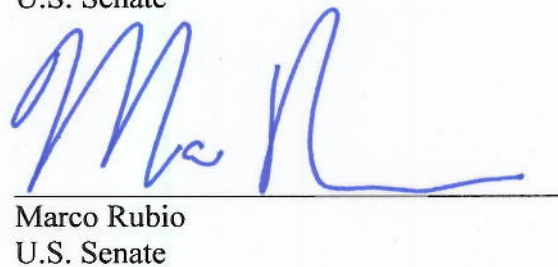
Mary Bono Mack
U.S. House of Representatives



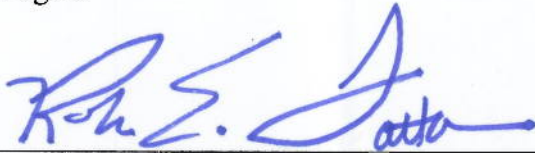
Kelly Ayotte
U.S. Senate



Lee Terry
U.S. House of Representatives



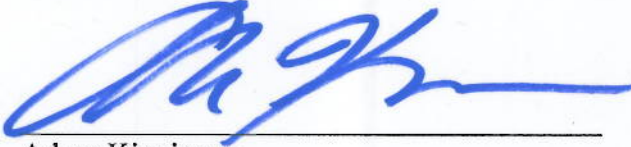
Marco Rubio
U.S. Senate



Robert E. Latta
U.S. House of Representatives



Mike Lee
U.S. Senate



Adam Kinzinger
U.S. House of Representatives

cc: The Honorable Henry A. Waxman

The Honorable Anna G. Eshoo

The Honorable John D. Rockefeller, IV

The Honorable Kay Bailey Hutchison

The Honorable John F. Kerry