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**Statement of Committee Chairman Michael McCaul (R-TX)  
Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee  
House Homeland Security Committee**

*Wassenaar: Cybersecurity & Export Control*

Remarks as Prepared

I appreciate the Gentlemen from Texas, Mr. Ratcliffe and Mr. Hurd, for having a hearing today on this very serious and consequential issue. Strengthening our nation's cybersecurity is of the utmost importance right now and will determine our Nation's position as a world leader in the future. The playing field for international conflict is constantly evolving. Cyber attacks can come from anywhere at any time, without any prior notification. As Chairman of the Homeland Security Committee, keeping Americans safe is my primary concern – and that is no simple task in such a dynamic environment. Unfortunately, the amendment to the Wassenaar Arrangement would depreciate the research, development, and deployment of important tools that we all use every day to secure against cyber attacks.

The United States has a duty to be a world leader. The establishment of a multilateral Arrangement to restrict the trade of conventional arms and dual-use goods and technologies has only been possible through strong American leadership. To continue fulfilling this imperative role, the United States must ensure that such agreements support technically and practically intelligent policies on cybersecurity.

If the matter at hand was simply a question of efficacy, we wouldn't be here today. If the only concern was that the Wassenaar Arrangement might have room for improvement, this conversation would be very different. But what has been violated here is the fundamental adage of "do no harm". The State Department agreed to an Arrangement that would restrict a broad group of information security tools and products. This agreement and the proposed implementation could hobble the entire cybersecurity ecosystem, as well as the cross-border data flows and global collaboration that support it. Weakening our cyber researchers and innovative service providers is bad enough, but as we've seen again and again, any weakness in our cyber posture will percolate to other industries and harm individual Americans.

Furthermore, under the Arrangement participating states already exchange specific information on a regular basis about global transfers of certain goods and technologies. Part of the Wassenaar Arrangement is looking at that information to find dubious acquisition trends. I don't see any limitation on the ability of the Wassenaar Arrangement to pursue the stated goals of increased transparency without adding burdensome and counterproductive licensing requirements. I hope the witnesses are

able to speak today about why the addition of intrusion software language to the Arrangement was preferred as the best means of achieving American goals instead of other options such as through sanctions, which would address bad actors more directly without the unintended consequences.

Last, the Homeland Security Committee worked hard in putting together and shaping information sharing legislation which was signed into law in December. That legislation facilitates the sharing of cyber information between the Federal Government and the private sector to assist security experts and others in rapidly identifying and resolving vulnerabilities that threaten the security of our networks. We must not backtrack on this progress. It is a priority of the Homeland Security Committee to investigate whether the domestic execution of the relevant cybersecurity section of the Wassenaar Arrangement would obstruct positive collaboration on cybersecurity that protects American information and information systems.

I hope the backlash received and the response here in Congress will prevent the State Department from attempting to take momentous negotiations upon themselves without consultation from stakeholders in the future. The Administration must not ignore the serious, broad implications of the results. What we won't stand for is de facto regulation of a thriving sector and cornerstone of American industry - An industry that provides the tools that we all, including governments, use to secure ourselves.

I expect the hearing today will send an important message that the intrusion software language in the Wassenaar Arrangement is simply unworkable. We in Congress expect that the Administration will work to correct these serious issues going forward.

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