



One Hundred Nineteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

March 13, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Noem:

I write to you regarding your decision to temporarily disband the memberships of the Department of Homeland Security's (DHS) Cyber Safety Review Board (CSRB or Board).¹ Established under the Biden Administration through Executive Order 14028, *Improving the Nation's Cybersecurity*, the CSRB was formed to "review and assess, with respect to significant cyber incidents... affecting FCEB [Federal Civilian Executive Branch] Information Systems or non-Federal systems, threat activity, vulnerabilities, mitigation activities, and agency responses."² However, I am concerned that the CSRB's structure inhibited the Board's ability to fulfill its mandate. Although the CSRB is often likened to the National Transportation Safety Board (NTSB), this comparison falls short in several ways. The CSRB lacks independence, transparency, and the authorities to perform like the NTSB. Therefore, to ensure any new CSRB's effectiveness, I request a thorough review of the Board's structure prior to its reconstitution—something Deputy Secretary Troy Edgar indicated may happen during his confirmation hearing.³

It is impossible to call a body "independent" when its members—who serve on a part-time basis—are selected without clear selection criteria. Per the CSRB's charter, "[t]he CSRB shall be composed of no more than 20 standing members who are appointed by the CISA [Cybersecurity and Infrastructure Security Agency] Director," including representatives from the private sector and federal government.⁴ Although private sector individuals are required to serve in their personal capacities, that is impossible to guarantee with part-time membership. The cybersecurity ecosystem is too intertwined to absolve members who may work at competitor companies of conflicts of interest, which potentially impacts the CSRB's ability to produce objective analyses.

Lack of transparency about the CSRB's appointment process may threaten the model and efficacy of the Board. Industry members regularly interact with CISA, given the Agency's role as a "trusted partner" to the public and private sectors. As such, they may curry favor with the CISA Director for an appointment, potentially putting themselves in a position to directly investigate their competitors. Since the selection and recusal process of industry members for the Board is not transparent to Congress or the American people, there is currently no accountability mechanism to prevent conflicts of interest. This may deter entities involved in each incident from cooperating with the CSRB, as they may become increasingly reluctant to voluntarily share information with a Board that includes competitor organizations. The Biden Administration's response to the potential reluctance was to push Congress to authorize subpoena power for the Board akin to that of the NTSB. Given the clear differences between the NTSB and CSRB, I do not believe subpoena power is appropriate at this time, especially while conflict-of-interest concerns persist.

Finally, the CSRB's process for selecting which cyber incidents to review appears non-existent. EO 14028 states: "[t]he Secretary of Homeland Security shall convene the Board following a significant cyber

¹ David Jones, *DHS Disbands existing advisory board memberships, raising questions about CSRB*, Cybersecurity Dive, Jan. 22, 2025, <https://www.cybersecuritydive.com/news/dhs-disbands-advisory-board-csrb/737976/>.

² *Improving the Nation's Cybersecurity*, 86 FR 26633, May 12, 2021, <https://www.federalregister.gov/documents/2021/05/17/2021-10460/improving-the-nations-cybersecurity>.

³ Matt Bracken, *Purging cyber review board was 'a great idea,' DHS deputy secretary nominee says*, CyberScoop, Feb. 25, 2025, <https://cyberscoop.com/cyber-safety-review-board-purge-cisa-dhs-troy-edgar/>.

⁴ *Cyber Safety Review Board Charter*, United States Department of Homeland Security, https://www.cisa.gov/sites/default/files/2023-09/CSRB%20Charter%2009.21.2023%20APPROVED_508c.pdf.

incident triggering the establishment of a Cyber Unified Coordination Group (UCG) as provided by section V(B)(2) of PPD-41; at any time as directed by the President acting through the APNSA [Assistant to the President for National Security Affairs]; or at any time the Secretary of Homeland Security deems necessary.”⁵ This broad criteria should prompt numerous reviews, given the sheer number of cyberattacks the nation experiences daily. However, the CSRB began its work by ignoring the President who created it, choosing to forego assessment of the SolarWinds intrusion despite President Biden’s direction.⁶ To increase transparency, a reconstituted CSRB should establish and publish criteria for when and how an incident is selected for review.

It is incredibly important that we investigate cyber incidents to U.S. civilian networks and critical infrastructure in a way that is transparent, impartial, effective, and capable of providing actionable recommendations. Therefore, I request that the Department review all CSRB activity to date and provide me a report of the Department’s findings, no later than June 13, 2025. The report should include answers to the following questions:

1. How is a cyber incident selected for review by the CSRB?
2. What are the selection criteria for CSRB members? Does this differ for private sector and federal government members?
3. How has part-time membership impacted the CSRB’s level of engagement during the review process, analysis, and recommendations? Please provide your views on establishing full-time positions on the Board rather than temporarily appointed ones.
4. How does the CSRB decide upon recommendations?
5. Would a subpoena authority help or hinder the ability of the CSRB, under the current construct, to perform its reviews?
6. Is the NTSB the correct model to base the organization and structure of the CSRB?

Per Rule X of the U.S. House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your attention to this matter. I look forward to working with you to strengthen our nation’s cybersecurity posture.

Sincerely,



Andrew R. Garbarino
Chairman

Cybersecurity and Infrastructure Protection Subcommittee

⁵ Improving the Nation’s Cybersecurity, 86 FR 26633, May 12, 2021, <https://www.federalregister.gov/documents/2021/05/17/2021-10460/improving-the-nations-cybersecurity>.

⁶ Craig Silverman, *The President Ordered a Board to Probe a Massive Russian Cyberattack. It Never Did.*, ProPublica, July 8, 2024, https://www.propublica.org/article/cyber-safety-board-never-investigated-solarwinds-breach-microsoft?utm_source=comms&utm_medium=email&utm_campaign=comms.