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U.S. House of Representatives

Washington, DC 20515-6035

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PAUL ARCANGELI, STAFF DIRECTOR

December 18, 2020

General Mark Milley
Chairman
Joint Chiefs of Staff
999 Joint Staff Pentagon #2D932,
Arlington, VA 22202

Dear Chairman Milley:

I am profoundly concerned about reports that the Department is unilaterally seeking to end the dual-hat relationship between the National Security Agency (NSA) and U.S. Cyber Command (CYBERCOM) without consulting Congress or meeting the conditions required by law.

As you know, NSA and CYBERCOM are uniquely intertwined and share many of the same resources. Any action to sever the dual-hat relationship could have grave impacts on our national security, especially during a time that the country is wrestling with what may be the most damaging cyber-attack in our country's history.

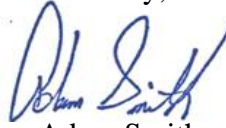
Congress has taken a clear position on changes to sever the dual-hat structure. Section 1642 of the Fiscal Year 2017 National Defense Authorization Act (PL 114-328) sets conditions that must be met prior to severing the structure. The "Secretary of Defense may not terminate the dual-hat arrangement until the date on which the Secretary and the Chairman of the Joint Chiefs" certify to Congress certain conditions.

The conditions enumerated in Section 1642 include an elevation of the operational dependence of CYBERCOM on the NSA and an analysis of the ability to CYBERCOM and NSA to carry out their respective roles and responsibilities. The Department must provide a certification that the termination of the arrangement "will not pose risks to the military effectiveness of the United States Cyber that are unacceptable to the national security interests of the United States."

I am deeply concerned about measures to terminate the dual-hat structure and request that you immediately consult with the House Armed Services Committee regarding any potential efforts to take such action. Further, given that no assessment has been completed and no

certification has been issued, I remind you that any action to terminate the dual-hat relationship with NSA and Cyber Command is not only inadvisable, but is contrary to law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Smith". The signature is stylized and cursive.

Adam Smith
Chairman

AS:erm