

ADAM SMITH, WASHINGTON, CHAIRMAN  
SUSAN A. DAVIS, CALIFORNIA  
JAMES R. LANGEVIN, RHODE ISLAND  
RICK LARSEN, WASHINGTON  
JIM COOPER, TENNESSEE  
JOE COURTNEY, CONNECTICUT  
JOHN GARAMENDI, CALIFORNIA  
JACKIE SPEIER, CALIFORNIA  
TULSI GABBARD, HAWAII  
DONALD NORCROSS, NEW JERSEY  
RUBEN GALLEGO, ARIZONA  
SETH MOULTON, MASSACHUSETTS  
SALLUD O. CARBAJAL, CALIFORNIA  
ANTHONY G. BROWN, MARYLAND, VICE CHAIR  
RO KHANNA, CALIFORNIA  
WILLIAM R. KEATING, MASSACHUSETTS  
FILEMON VELA, TEXAS  
ANDY KIM, NEW JERSEY  
KENDRA S. HORN, OKLAHOMA  
GILBERT RAY CISNEROS, JR., CALIFORNIA  
CHRISSEY HOULAHAN, PENNSYLVANIA  
JASON CROW, COLORADO  
XOCHITL TORRES SMALL, NEW MEXICO  
ELISSA SLOTKIN, MICHIGAN  
MIKIE SHERRILL, NEW JERSEY  
VERONICA ESCOBAR, TEXAS  
DEBRA A. HAALAND, NEW MEXICO  
JARED GOLDEN, MAINE  
LORI TRAHAN, MASSACHUSETTS  
ELAINE G. LURIA, VIRGINIA  
ANTHONY BRINDISI, NEW YORK

## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED SIXTEENTH CONGRESS

WILLIAM M. "MAC" THORNBERRY, TEXAS,  
RANKING MEMBER  
JOE WILSON, SOUTH CAROLINA  
ROB BISHOP, UTAH  
MICHAEL R. TURNER, OHIO  
MIKE ROGERS, ALABAMA  
K. MICHAEL CONAWAY, TEXAS  
DOUG LAMBORN, COLORADO  
ROBERT J. WITTMAN, VIRGINIA  
VICKY HARTZLER, MISSOURI  
AUSTIN SCOTT, GEORGIA  
MO BROOKS, ALABAMA  
PAUL COOK, CALIFORNIA  
BRADLEY BYRNE, ALABAMA  
SAM GRAVES, MISSOURI  
ELISE M. STEFANIK, NEW YORK  
SCOTT DESJARLAIS, TENNESSEE  
RALPH LEE ABRAHAM, LOUISIANA  
TRENT KELLY, MISSISSIPPI  
MIKE GALLAGHER, WISCONSIN  
MATT GAETZ, FLORIDA  
DON BACON, NEBRASKA  
JIM BANKS, INDIANA  
LIZ CHENEY, WYOMING  
PAUL MITCHELL, MICHIGAN  
JACK BERGMAN, MICHIGAN  
MICHAEL WALTZ, FLORIDA

PAUL ARCANGELI, STAFF DIRECTOR

December 18, 2020

Mr. Christopher C. Miller  
Acting Secretary of Defense  
Joint Chiefs of Staff  
1000 Defense Pentagon,  
Washington, DC 20301

Dear Acting Secretary Miller:

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.

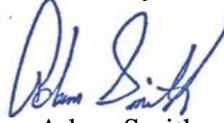
Congress has taken a clear position on changes to sever the dual-hat structure. Section 1642 of the Fiscal Year 2017 National Defense Authorization Act (PL 114-328) sets conditions that must be met prior to severing the structure. The "Secretary of Defense may not terminate the dual-hat arrangement until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