March 11, 2013

The Honorable Mike Rogers
Chair, Permanent Select Committee on Intelligence
United States House of Representatives
Capitol Visitor Center HVC – 304
Washington, DC 20515

The Honorable C.A. Dutch Ruppersberger
Ranking Member, Permanent Select Committee on Intelligence
United States House of Representatives
Capitol Visitor Center HVC – 304
Washington, DC 20515

Dear Chairman Rogers and Ranking Member Ruppersberger,

The undersigned organizations dedicated to government openness and accountability are writing to let you know about our grave concerns with HR 624, the Cyber Intelligence Sharing and Protection Act (CISPA). As drafted, HR 624 constitutes a wholesale attack on public access to information under the Freedom of Information Act (FOIA).

In the interest of encouraging private companies to share cybersecurity threat information, the bill unwisely and unnecessarily cuts off ***all*** public access to cyber threat information before the public and Congress have the chance to understand the types of information that are withheld under the bill. Much of the sensitive information private companies are likely to share with the government is already protected from disclosure under the FOIA. Other information that may be shared could be critical for the public to ensure its safety. The public needs access to some information to be able to assess whether the government is adequately combating cybersecurity threats and, when necessary, hold officials accountable.

We hope we can work with you to address these issues. Many of us expressed similar concerns about provisions included in the version of the bill brought to the House floor during the 112th Congress. Those concerns led many of us to oppose the bill and encourage Members to vote against final passage.

We also encourage you to work with the House Oversight and Government Reform Committee to ensure that the FOIA-related provisions in CISPA promote transparency and public accountability while allowing the government to withhold only that information which truly requires protection. Any effort to expand of the authority of the federal government to withhold information from the public should begin with careful consideration, including public hearings, by the House Oversight and Government Reform Committee, which has jurisdiction over FOIA.

We urge you to ensure any cybersecurity legislation passed into law both protects our nation's computer networks and promotes transparency and accountability to the public. If you would like to discuss these issues further, please contact Patrice McDermott, Executive Director of OpenTheGovernment.org, at 202-332-6736 or pmcdermott@openthegovernment.org.

Sincerely,

Access

American Association of Law Libraries

American-Arab Anti-Discrimination Committee (ADC)

American Association of University Professors

American Civil Liberties Union

American Library Association

Association of Research Libraries

Bill of Rights Defense Committee

Californians Aware

Center for Democracy and Technology – CDT

Center for Effective Government (formerly OMB Watch)

Center for Media and Democracy

Cyber Privacy Project

Daily Kos

Demand Progress

Essential Information

Floor64

Freedom of Information Center at the Missouri School of Journalism

Government Accountability Project – GAP

Human Rights Defense Center

The James Madison Project

Liberty Coalition

MuckRock

National Coalition Against Censorship

National Freedom of Information Coalition

National Security Counselors

OpenTheGovernment.org

Peacefire.org

Progressive Librarians Guild

Project On Government Oversight – POGO

Rutherford Institute

Society of American Archivists

Special Libraries Association

Transactional Records Access Clearinghouse (TRAC)

US PIRG

Washington Coalition for Open Government

Individual signatories (additional information only for identification purposes)

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Executive Editor, The Washington Examiner