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)

Mark Tapscott
Executive Editor, The Washington Examiner