June 1, 2015

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Harry Reid
Minority Leader
United States Senate
Washington, DC 20510

Dear Senator McConnell and Senator Reid:

On behalf of the American Bar Association and its over 350,000 members, I write to offer the ABA’s perspective on comprehensive cybersecurity legislation recently passed by the House and now pending in the Senate. The ABA has long recognized that we must make it a priority to prevent unauthorized intrusions into the computer systems and networks utilized by lawyers and law firms, and we recently adopted policy calling upon all private-sector organizations to maintain appropriate cyber security measures. In addition to recommending enhanced capabilities in the private sector, the ABA adopted five guiding principles for Members of Congress to consider as policy determinations are made to improve cybersecurity for the United States’ public and private sectors. These principles recognize that:

(1) public and private frameworks are essential to successfully protect United States assets, infrastructure, and economic interests from cyber-attacks;

(2) robust information sharing and collaboration is needed between government agencies and private industry to manage global cyber risks;

(3) legal and policy environments must be modernized to stay ahead of, or at least keep pace with, technological advancements;

(4) privacy and civil liberties must remain a priority when developing cybersecurity law and policy; and

(5) training, education, and workforce development of government and corporate leadership, technical operators, and lawyers requires adequate investment and resources in cybersecurity to be successful.

The ABA’s Cybersecurity Legal Task Force and the Section on Science and Technology Law continue to evaluate various proposals for comprehensive cyber reform, and we stand ready to assist senators as you move through the legislative process.

We appreciate the opportunity to provide our input and urge you to keep these policies in mind as the Senate debates important cybersecurity legislation. If the ABA can provide you or your staff with
any additional information regarding the ABA’s views, or if we can be of further assistance, please contact ABA Governmental Affairs Legislative Counsel, David Eppstein, at 202-662-1766 or david.eppstein@americanbar.org.

Sincerely,

Thomas M. Susman