June 13, 2017

The Honorable Ron Johnson  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

The Honorable Claire McCaskill  
Ranking Member  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Senators Johnson and McCaskill:

On behalf of the American Bar Association, which is the largest voluntary membership organization of legal professionals in the United States, consisting of more than 400,000 members from all 50 states, the District of Columbia and other jurisdictions, I am writing to offer our support for the cyber legislation, recently passed by the House, H.R. 584, the Cyber Preparedness Act of 2017. This bill passed the House in an overwhelmingly bipartisan manner and would enhance our ability to share cyber threat information among state, local, and federal agencies.

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 adopted policy calling upon organizations to maintain appropriate cyber security measures. In addition to maximizing the capabilities in the private sector, the ABA adopted five guiding principles for 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 require adequate investment and resources in cybersecurity to be successful.

The ABA’s Cybersecurity Legal Task Force, representing 19 entities and divisions with cyber expertise, is monitoring and analyzing various proposals for cyber reform, and we stand ready to assist you as you move through the legislative process. H.R. 584 fosters information sharing and collaboration between government agencies by requiring the Department of Homeland Security’s (DHS) State, Local, and Regional Fusion Center Initiative to coordinate with the National Cybersecurity and Communications Center to provide state, local, and regional fusion centers with expertise on cybersecurity resources. The legislation also authorizes funds for state, local, and tribal governments to be used for preparing and responding to cybersecurity risks and to develop statewide cyber threat information analyses. Finally, the legislation expresses the sense of Congress that DHS should share actionable information related to cyber threats in an unclassified form to facilitate timely dissemination. We believe these measures will increase our ability to successfully protect our nation’s cyber infrastructure.

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

cc: Members of the Committee on Homeland Security and Governmental Affairs
The Honorable Mitch McConnell, Senate Majority Leader
The Honorable Chuck Schumer, Senate Minority Leader