Fiscal Year 2011 Annual Report of the US Public Policy Council of the ACM

For the Period July 1, 2010 – June 30, 2011

Submitted by
Eugene H. Spafford, USACM Chair
with input from USACM Council members & DC office staff

ANNUAL REPORT OF THE U.S. PUBLIC POLICY COUNCIL OF THE ASSOCIATION FOR COMPUTING MACHINERY

FOR THE PERIOD: JULY 1, 2010-JUNE 30, 2011

1. BASIC INFORMATION
1.1 MEMBERS

USACM COUNCIL
- Eugene H. Spafford (USACM Chair);
- Annie Antón (USACM Vice-Chair);
- Charles Brownstein (Former USACM Chair);
- Travis Breaux (At Large), term expires 12/31/11
- Jeremy Epstein (Voting Committee Chair);
- Stuart Feldman (ACM Past President/President's Designee), *ex officio;*
- Thomas Gideon (At Large), term expires 12/31/11;
- Sarah Granger (Digital Government Committee Chair);
- Andrew Grosso (Law Committee Chair);
- Harry Hochheiser (Accessibility Committee Chair);
- Jim Horning (At Large), term expires 12/31/12
- Paul Hyland (Intellectual Property Committee Chair);
- Jonathan Lazar (At Large), term expires 12/31/12
- Jeanna Matthews (SIG Representative);
- Alan Rea (At Large), term expires 12/31/11;
- Bobby Schnabel (Chair, Education Policy Committee), *ex officio;*
- Stuart S. Shapiro (Security and Privacy Committee Chair);
- Barbara Simons (Former USACM Chair);
- Ollie Smoot (At Large), term expires 12/31/12;
- Emil Volcheck (SIG Representative);
- John White (ACM CEO) *ex officio;* and,
- Cameron Wilson (ACM Director of Public Policy), *ex officio*

1.2 STANDING COMMITTEES

- Accessibility
  - Chair, Harry Hochheiser
- Digital Government
  - Chair, Sarah Granger
- Intellectual Property
  - Chair, Paul Hyland
- Law
  - Chair, Andrew Grosso

- Security and Privacy
  - Chair, Stuart Shapiro
- Voting
  - Chair, Jeremy Epstein

2. PROJECT SUMMARY

Unless otherwise noted, projects listed here were completed within the fiscal year. Additional information is available in the body of the Annual Report.

Task Force on American Innovation Letter - ACM signed onto letter urging Appropriations subcommittee for increased allocations for research

USACM Chair Participates at White House Cybersecurity Meeting - Council Chair Eugene Spafford participated in meeting on progress of U.S. government cybersecurity efforts.

National Strategy for Trusted Identities in Cyberspace - USACM submitted comments on draft strategy for a public-private partnership to assure and authenticate online identities.

SEC Python Proposal - USACM and SIGPLAN submitted comments on Securities and Exchange Commission proposal to require the use of Python in its reporting requirements. Also held a follow-up discussion with SEC staff.

COICA Bill Letter - USACM sent a letter to the Senate Judiciary Committee expressing concern about the means by which the Combating Online Infringement and Counterfeits Act (COICA) would affect the Domain Name System and other parts of the online infrastructure.

USACM Vice-Chair Appointed as FTC Chief Technologist - USACM Vice-Chair Ed Felten was appointed to the new position of Chief Technologist at the Federal Trade Commission.

USACM Chair part of Cybersecurity Panel - Council Chair Spafford joined former national cybersecurity adviser Richard Clarke in a cybersecurity discussion at the AAAS.

Web Accessibility and ADA - USACM submitted comments to the Department of Justice on guidance for making websites compliant with the Americans with Disabilities Act (ADA).

Department of Commerce Privacy Report - USACM submitted comments to the Commerce Department's Internet Privacy Task Force on its commercial data privacy report.

Intercept Technologies Statement - USACM approved a statement outlining general technical principles to keep in mind when determining how to support law enforcement access to electronic communications.

Members Meet with Senate Staff on Do Not Track - Three USACM members met with staff of the Senate Commerce Committee concerning proposals for Do Not Track legislation to provide consumers that option for online activity.

Federal Trade Commission Privacy Report - USACM submitted comments on the FTC's preliminary report concerning online privacy.

Statement Concerning Intercept Law - USACM joined a statement responding to possible changes in the Communications Assistance to Law Enforcement Act about technical and other concerns related to the expansion of intercept authority in electronic communications.

ACM Staff Meet with Hill Staff on Cybersecurity Legislation - ACM Policy Office staff met with the lead House Republican staffer for cybersecurity legislation to discuss USACM policy interests in this area.

USACM Signs Letter Resisting Deep Science Funding Cuts - USACM signed a letter along with several scientific and academic societies that argued for continuing the doubling of research funding for the National Science Foundation, the National Institutes of Standards and Technology, and the Office of Science at the Department of Energy.

USACM Vice-Chair Testifies About Electronic Employment Verification - Building on prior USACM testimony and comments on electronic systems for employment verification, USACM Vice-Chair Annie Antón testified before the House Social Security Subcommittee on the effectiveness of one such system, E-Verify.

USACM Chair Testifies About Recent Data Breaches - USACM Chair Spafford testified before the House Subcommittee on Commerce, Manufacturing and Trade about the spring 2011 data breaches involving Sony and Epsilon. USACM's positions on privacy informed his testimony.

Letter to National Health IT Coordinator - USACM joined with SIG ACCESS and SIGCHI in sending a letter to the National Coordinator for Health Information Technology. The letter reminded the Coordinator of the extensive computing literature on usability and that it would be quite applicable to electronic health records.

Federal Government Reduction of .gov Websites - USACM submitted comments on the Executive Order calling for a reduction in the number of .gov websites. The comments emphasized the need for stable URLs for publicly available information that would persist through any reorganization.

ACM Staff Meets with Homeland Security Staff on Distributed Cybersecurity - ACM Policy Office staff met with Bruce McConnell, Senior Counselor at the Department of Homeland Security (DHS) and his staff to discuss a paper his office released on a possible system of distributed cybersecurity. This is

the start of a conversation between USACM, ACM members, and DHS on the issues highlighted by this paper.

New Website & Social Media
With leadership of of ACM Policy Office staff, USACM transitioned to a new website that has better organization and presentation of Council materials and members. USACM has also established Twitter and Facebook pages and has begun to use those as additional avenues for information.

3. PLANS

3.1 Projects for the coming year
We currently are following several areas of potential legislation and will comment or respond as these move forward. These include possible bills on Internet monitoring, patent reform, and mandatory breach notification. We also are monitoring issues in health care, digital government, and privacy in on-line commerce.

We may have an opportunity to submit an amicus curae brief to the Supremem Court on issues of privacy and monitoring with advanced technology.

We will continue to develop our presence on the WWW, Twitter, Facebook, and other on-line outlets as appropriate.

3.2 Important milestones
None as such -- committee efforts are on-going without any particular milestones that can be noted in advance.

3.3 New projects or programs
We have formed a communications committee to explore more and better ways of presenting USACM activities to ACM members and the general public. We are experimenting with (intially) a podcast of the Washington Update. We intend to explore other mechanisms and media over the coming months.

We (mostly the Chair) intends to write some guides on policy based on experience of Council members over the last decade. These will be archived for future use by Council.

3.4 Plans on Diversity and Members

USACM already exhibits good diversity of membership across academia, industry, and government, and across many ages and area of the country (USACM membership is, by nature, US-centric).

We have plans to recruit new appropriate members at various ACM events with some relationship to our efforts (e.g., conferences on law, security, privacy, etc.). Some of these events are mentioned in the reports of individual committees, below.

We have some concern about members who do not seem to be involved although they are listed as members. Seeking additional members without understanding the dynamics of current members and their activity is therefore somewhat problematic. We will seek to discover why there has not been more involvement by those individuals in addition to seeking to recruit more members.

4. COMMENTS

The transition from committee to council has worked well to support our various initiatives. We have yet to identify the optimal methods to work collaboratively in a distributed fashion, but we are slowly gaining experience in how to do this.

A major concern in recent years was the development of potential future leadership of USACM from within. However, the last year has been the busiest for USACM in its history. As can be seen by the list of activities, there have been many items requiring participation by many members. At least a half-dozen of these members have stepped forward, led efforts, and continue to act in leadership roles. The majority of these individuals are relatively new to USACM (as compared to the Chair, Vice Chair, Past Chair, and some other senior members), and therefore help to bring new ideas to the fore while gaining experience in policy discussions. Thus, in the future, there should be a strong cadre of leadership present to lead USACM.

We will have an in-person meeting of USACM Council sometime around the the beginning of 2012. We will use that meeting to discuss new initiatives, structure and other issues related to USACM operation. We may have other, smaller-group meetings later in 2012.

The USACM continues to receive excellent support from the staff of the ACM Washington Office. Cameron and David are closely involved with the Council, hard-working, and very knowledgable. Given that all USACM membership is volunteer, their on-going activites help ensure the positive impact of USACM. As our activities and scope of coverage continues to increase, we suggest that ACM consider expanding the staff of that office.

CONTENTS

DETAILED REPORT

USACM OVERVIEW
USACM is the U.S. Public Policy Council of the Association for Computing Machinery (ACM).
USACM members include leading computer scientists, engineers, and other professionals from industry,
academia, and government.

USACM MISSION, OPERATIONS AND GOVERNANCE
USACM operates through a transparent and democratic process to reach consensus on policy activities.
Its members and ACM Policy Office staff follow a number of relevant public policy issues and keeps its
members informed on events and opportunities for engagement. Draft policy statements, position
papers, and letters are usually posted to one of its committees or to USACM Council for review and
comment approval. In some cases positions are forwarded to the Executive Committee of the USACM
Council (USACM-EC) for quick review and approval. The USACM Council conducts regular calls with
the ACM Policy Office staff to update and coordinate activities. The calls are also an opportunity to
bring issues and events to the attention of USACM staff as well as other USACM Council members.
USACM staff can conduct policy research on issues identified by USACM Council during these calls
and initiate contacts and meetings with relevant policymakers on a timely basis. Finally, the USACM
Council typically meets in person once a year to review policy activities and determine priorities.
ACM's Office of Public Policy in Washington, D.C., and ACM headquarters staff in New York support
the work of USACM.

USACM has six established committees – Voting, Security and Privacy, Computing and the Law,
Intellectual Property, Accessibility, and Digital Government – to focus on what USACM considers its
core issues.

At the close of FY2011, the USACM-EC consisted of the following members:

- Eugene H. Spafford (USACM Chair, Purdue);
- Annie Antón (USACM Vice-Chair, North Carolina State University);
- Harry Hochheiser (Accessibility Committee Chair, University of Pittsburgh);
- Jim Horning (Consultant);
- Barbara Simons (retired, former USACM Chair);
- Ollie Smoot (retired);
- Emil Volcheck (SIG Representative, National Security Agency);
- Stuart Feldman (ACM Past President/President's Designee, Google), *ex officio;*
- John White (ACM CEO), *ex officio*; and,
- Cameron Wilson (ACM Director of Public Policy), *ex officio*

The USACM Council consisted of the following members:
- Eugene H. Spafford (USACM Chair);

- Annie Antón (USACM Vice-Chair);
- Charles Brownstein (Former USACM Chair);
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Complete information about current USACM members is available at
http://www.acm.org/usacm/members.html.

Note that all Council members are also members of all committees of USACM.

FY2011 OVERVIEW AND HIGHLIGHTS

The past fiscal year continued the trend of increased policy activity by USACM staff and volunteers. January and February of 2011 marked one of the busiest periods for USACM in recent history. Most USACM activity during the fiscal year focused on issues covered by the Security and Privacy Committee, including a privacy framework proposal from the Department of Commerce, and an identity system proposed by the Executive Branch. Besides our continued interaction with Congressional staff, USACM has commented to and/or reached out to more executive branch agencies, including the Securities and Exchange Commission, the Department of Homeland Security, the Department of Justice and the Federal Trade Commission.

USACM has also worked with other components of ACM to leverage their expertise and connect other parts of the organization with policymakers that USACM might not otherwise work with. Last summer USACM and SIGPLAN collaborated on a response to the Securities and Exchange Commission (SEC) request for comments on the use of the Python programming language in connection with SEC reporting

requirements. SEC staff followed up on the USACM/SIGPLAN comments with a phone call to discuss those comments and related technical questions. In June of this year USACM worked quickly with SIGCHI and SIGACCESS on a letter to the National Coordinator for Health Information Technology about existing research on accessibility and usability in connection with electronic health records.

In the spring there were several events that demonstrated USACM's growing reputation within Washington as a source of reliable, technically-oriented policy advice. In April 2011 the Social Security Subcommittee of the House Ways and Means Committee approached USACM to provide testimony on electronic employment verification, an issue we have worked on (including previous testimony) since at least 2007; our Vice-Chair provided that testimony. In May the Chair of USACM testified before the Subcommittee on Commerce, Manufacturing and Trade of the House Energy and Commerce Committee regarding data breaches involving Epsilon (an email marketing company) and Sony. In June senior Department of Homeland Security staff reached out to USACM to discuss a white paper on distributed cybersecurity. Thanks to the hard work and dedication of our volunteers and staff, FY 2011 was a very productive year.

DETAILED ACTIVITIES

The following is a more comprehensive and chronological listing of USACM activities for the year. USACM Committees originate many of the Council's projects, and our most active committees have submitted reports, which are included following this listing.

July 2010

ACM Joins With Task Force Urging for Investments in Science Research

ACM signed on a letter with the Task Force on American Innovation urging the Appropriations Committee for increased allocations along with a push to pass the Commerce-Justice-Science (CJS) Appropriations bill. The landmark National Academies' Report, *Rising Above the Gathering Storm*, targets both NSF and the NIST labs as part of its recommendation for doubling of federally funded research in the physical sciences and engineering. The Task Force believes investments made in research remain critically important.

USACM Chair Participates in White House Cybersecurity Meeting

USACM chair Eugene Spafford was invited to a White House cybersecurity meeting that focused on the progress made by the Obama administration to increase its cybersecurity efforts. During this meeting a progress report of efforts made by this administration was released. This meeting had many high level government officials in attendance including Secretary of Commerce Gary Locke, Secretary of Homeland Security Janet Napolitano, and President Obama.

USACM Comments on National Strategy for Trusted Identities in Cyberspace

Comments were submitted by USACM on the second draft of the National Strategy for Trusted Identities in Cyberspace. The problems USACM noted were an over-emphasis on authentication and attribution of identity, security and privacy risks, and mission creep undercuts the promise of a voluntary system.

Complete comments can be read at :
http://usacm.acm.org/PDF/USACM_Secure_Identity_Comments_final.pdf

August 2010

USACM and SIGPLAN Comment on SEC Python Proposal

USACM submitted comments on the SEC Python Proposal for the Securities and Exchange and Commission. The detailed set of comments addresses some specific issues with the proposal, which include the need to make sure that all inputs and outputs for the program are at the same level of detail as the Asset Data File. Those issues prompted USACM and SIGPLAN to recommend the final proposal be run as a trial. A summary of the comments emphasizes the following points:

- Other programming languages may be more appropriate than Python.
- An interpreted language is neither sufficient nor necessary to achieve the goals outlined by the SEC.
- Security should be enhanced by executing the code in a "virtual sandbox."
- All inputs and outputs of the waterfall program must be specified precisely.
- The SEC should consider developing a domain-specific programming language or library for writing waterfall programs

You can read the full set of comments:
http://www.sec.gov/comments/s7-08-10/s70810.shtml

USACM Chairs Participate in a Conference Call With SEC Staff

Following up on the joint USACM-SIGPLAN comments filed with the Securities and Exchange Commission (SEC) in August, SIGPLAN Chair Philip Wadler, USACM Chair Gene Spafford, and USACM Vice-Chair Ed Felten participated in a conference call with staff from SEC.   The focus of the call was to obtain technical input on additional questions related to the proposed rule and comments that

the SEC had received from other parties. The call covered a number of technical issues related to the implementation of computer programs and the best means to support their implementation.

September 2010

USACM Expresses Concerns About the IP Piracy Enforcement Bill

USACM sent a letter to the Senate Judiciary Committee on the Combating Online Infringement and Counterfeits Act expressing its concerns, and associating itself with a letter signed by several public-interest, commercial and library groups. There is an appropriate goal for Congress to pursue, but the means by which it would happen in the proposed legislation raised concerns amongst several commercial, library and public interest groups. As currently written, the bill would shut down piracy sites by having a court order the Domain Name System to not resolve the URL for the website. Additionally the Justice Department can then act to have companies that provide services to websites stop providing for the pirate site. There are serious questions of how these actions would be implemented, whether or not there are sufficient due process provisions, and the challenges of acting internationally via domestic law. You can read the letter here:

http://usacm.acm.org/PDF/USACM_COICA_Letter.pdf

November 2010

USACM Vice Chair Edward Felten Appointed as First FTC Chief Technologist

Ed Felten, noted computer science researcher, Director of Princeton's Center for Information Technology, and one of USACM's Vice Chairs, has been appointed Chief Technologist at the Federal Trade Commission (FTC). This is a new position for the Commission (the Federal Communications Commission has had one for years), and Felten will serve for a one-year term. As Chief Technologist, Felten will advise the Commission on emerging technology and policy issues. Felten is no stranger to Washington, having testified before Congress and consulted with the Justice and Defense Departments, in addition to his previous work for the FTC.

Ed was required to resign his position as co-Vice Chair, and our other co-Vice Chair, Annie Antón, became the sole Vice Chair of the Council.

Cybersecurity Policy Discussion Includes USACM Chair

Former national cybersecurity adviser Richard Clarke discussed cybersecurity and cybersecurity policy at the AAAS in Washington, D.C. As part of the discussion, an invited panel of experts joined Mr.

Clarke to discuss the challenges of forming and implementing government cybersecurity policy. One of those experts was USACM Chair Eugene Spafford. He was joined by Larry Clinton, President of the Internet Security Alliance, and Alex Howard, Government 2.0 correspondent for O'Reilly Media.

USACM Council Meets in Washington

USACM held a meeting of its Council at the ACM Public Policy Office in Washington. Most of the meeting focused on strategy and tactics for USACM over the next 12-18 months. The group also discussed how to more effectively communicate to the full USACM and how to recruit new members to join USACM and become part of its Council.

January 2011

USACM Comments on Proposed Web Accessibility Rules

USACM submitted comments to the Department of Justice on proposed web accessibility rules. The proposed rules would provide guidance on how websites can be compliant with the Americans with Disabilities Act. The main USACM recommendations are:

- *Promote Awareness* – Educational resources directed to improving awareness of the ADA, how it might apply to particular Web sites, and how Web site developers and operators might improve accessibility can reduce resistance and increase compliance.
- *Encourage Tool and Software Development* – Improved tools for testing and auditing Web accessibility might provide clearer feedback and assistance in improving accessibility, thus simplifying the process of bringing sites into compliance.
- *Adopt the Section 508 Standards* – It will be easier for Web developers and builders to work with a uniform standard rather than one set for federal Web sites and another for non-federal sites that must be ADA-compliant.
- *Voluntary Certification* – We recommend that the Department establish a voluntary certification program for Web sites to demonstrate to visitors that the site is compliant with accessibility standards.
- *Lead by Example* – Federal government leadership in making its own Web sites compliant will help demonstrate useful tools and best practices that developers and builders can use in non-governmental Web sites.
- *Seek Clarity About Compliance* – There exists no guidance about what must comply, how to comply, and who is responsible for what parts of the compliance process, including auditing.
- *Encourage Compliance, Not Removal* – Depending on how standards are set, implemented and supported, some Web sites may find it easier to remove content rather than comply with the law. Recognizing that the ADA already has undue burden provisions, the Department should still make sure that people understand the standards and how they can be achieved with reasonable means.

The comments can be read at:

http://usacm.acm.org/PDF/USACM_Response_to_DOJ_ANPRM.pdf

USACM Responds to Department of Commerce Online Privacy Report

USACM submitted comments on the Internet Policy Task Force's report on commercial data privacy. A major theme of our comments is that Fair Information Practice Principles (FIPPs) are good (and should be broadly implemented), but they are insufficient in themselves for ensuring data privacy in an age of rapidly shifting practices and technological capabilities. We strongly encourage the use of three additional items to help strengthen online privacy protection:

A dataflow-based lexicon - The lexicon would help define flows of personal information and provide meaningful references terms.

Enhanced privacy risk models - An enhanced privacy risk model would address context and harms, as well as be able to adapt for changes in technology and how those changes affect currently held assumptions about privacy.

Privacy Impact Assessments (PIA) - A practice followed by some government agencies, such impact assessments can help spread the use of enhanced privacy risk models.

The comments can be read at:
http://usacm.acm.org/PDF/Commerce_Department_Online_Privacy_Comments_USACM.pdf

USACM Develops Statement on Intercept Technologies

Reflecting recent efforts in Congress and elsewhere in the federal government to examine and revise law enforcement access to electronic communications, USACM developed a statement outlining general principles it considers important to consider when determining how law enforcement access to electronic communications should be supported, especially when done by technological means. Release of the statement will be timed with Congressional action in this area to maximize possible exposure.

February 2011

USACM Comments on Federal Trade Commission Online Privacy Report

USACM submitted comments in response to the Federal Trade Commission's (FTC) preliminary staff report concerning online privacy. Titled "Protecting Consumer Privacy in an Era of Rapid Change," the report outlines a proposed privacy framework around the following general principles:

- Companies should integrate privacy into their regular business operations (a Privacy by Design approach)
- Consumer choice needs to be presented in a more streamlined fashion than current practice
- Companies should increase the transparency all of their data practices, including those in the parts of their business that don't engage with consumers directly.

Comments can be read at:
http://usacm.acm.org/PDF/FTCprivacyResponseFinal.pdf

USACM Joined Statement of Concern Over Expansion of Intercept Law

USACM signed on to a statement released by the Center for Democracy and Technology in response to possible changes to the Communications Association for Law Enforcement Act (CALEA). The statement address significant concerns that need to be covered for future changes to laws that deal with electronic communications. It is important to preserve trust in communications systems. This can be achieved by safeguarding cybersecurity, not compromising encryption, protecting privacy, and promoting accountability. If these steps are taken, the nation can support innovation and competitiveness interests while preserving lawful interests in electronic surveillance.

The entire statement can be read at:
http://www.cdt.org/pr_statement/statement-concern-about-expansion-calea

DC ACM Chapter Co-Hosted a Discussion on Digital Government

The D.C. Chapter of ACM along with the New America Foundation co-hosted a panel discussion titled "The Open Government Directive: A Year Later." Members if USACM were involved in this effort. The Participants in the discussion were:

Moderator
Tom Glaisyer - New America Foundation
Tom Lee - Sunlight Foundation
Andrew McLaughlin - Former White House Deputy Chief Technology Officer
Elana Berkowitz (invited) - Open Technology Initiative Fellow, New America Foundation

March 2011

ACM Staff Meets with Hill Staff on Cybersecurity

ACM Policy Office Director Cameron Wilson and Public Policy Analyst David Bruggeman met with House of Representatives staff to discuss cybersecurity. The goal of the meeting was to introduce Congressional staff to ACM/USACM and to let them know USACM concerns with respect to cybersecurity legislation.

USACM Supports Defense Against FY '11 Science Cuts

USACM signed a letter sent to the Senate leadership urging them to resist the deep cuts to science agency budgets approved by the House of Representatives for fiscal year 2011 (October 2010-September 2011). The letter encouraged the continued doubling path for the National Science Foundation, National Institute of Standards and Technology, and the Office of Science at the Department of Energy.

The full letter can be read at:
http://www.aplu.org/NetCommunity/Document.Doc?id=3023

April 2011

USACM Vice-Chair Testifies on Challenges of Electronic Employment Verification

On April 14, Dr. Annie Antón, Vice Chair of USACM and Professor in the Computer Science Department of North Carolina State University, testified in front of the Social Security Subcommittee of the House Ways and Means Committee. She was one of the witnesses at a hearing on the Social Security Administration's role in verifying employment eligibility. The focus was primarily on the effectiveness of E-Verify, an electronic system of employment verification used in a number of states for an increasing number of employers, with over 16 million queries in fiscal year 2010. Highlights of her testimony included:

- The E-Verify system cannot effectively detect individuals who use stolen or forged identities. A 2009 evaluation of E-Verify found that 54 percent of illegal immigrants checked by the system were incorrectly identified as employment-eligible for that reason.
- Proper validation and testing of systems prior to widespread use will help minimize the possibilities of failure, which can contribute to additional identity theft and fraud.
- Mission creep for a system like E-Verify can lead to additional technical issues, leading to cost and/or schedule overruns and increased security vulnerabilities.

The testimony can be read at:
http://usacm.acm.org/PDF/everify_Anton_USACM_testimony_final.pdf

May 2011

Sony-Prompted Hearing Features Testimony from USACM Chair

Prompted by the massive data breaches of Sony's networks, the Subcommittee on Commerce, Manufacturing and Trade of the house Energy and Commerce Committee held a hearing on data theft and its effects on consumers. One of the witnesses was USACM Chair Eugene Spafford. The witnesses all supported some form of data privacy legislation to address not only data breaches and notification, but also effective information security practices. The large majority of these breaches could be mitigated by better implementation of best practices in this area. Spafford presented the USACM's established policy principles for privacy as suggested "best practices" to be considered.

The testimony can be read at:
http://usacm.acm.org/PDF/DataTheftTestimony050411.pdf

June 2011

USACM, SIGACCESS and SIGCHI Send Letter on Accessibility of Electronic Health Records

Working with SIGACCESS and SIGCHI, USACM sent a letter to the National Coordinator for Health Information Technology at the Department of Health and Human Services. USACM member Ben Shneiderman noted some concerns with a recent presentation made at a Health IT Policy Committee meeting that suggested the staff working on Electronic Health Records may not be familiar with the extensive computing literature on accessibility and usability.

USACM Comments on Executive Order to Reduce Number of .Gov Websites

USACM submitted a letter addressing the White House Executive Order to reduce number of .Gov websites improving information and service delivery to the public. The letter warned against the potential of website reorganization preventing users from finding previously accessible documents. To address this issue, USACM stressed that "public documents should have stable URLs that will not go out-of-date or 'break' as sites are dropped, moved, consolidated, or renamed."

The letter can be read at:

http://usacm.acm.org/images/documents/USACMTooManyWebsites3.pdf

ACM Staff Meets with Department of Homeland Security on Distributed Security

Senior Counselor to the Deputy Undersecretary, National Protection and Programs Directorate, at the Department of Homeland Security Bruce McConnell inquired of the ACM Policy Office about a possible collaboration with the Department. DHS released a paper in March 2011 about distributed security in cyberspace, and is looking for partners with which to collaborate. The collaboration would involve exploring the issues raised in the paper for feasibility and practicality. That effort is underway.

USACM COMMITTEE REPORTS

As USACM policy activities typically originate with a specific committee, most of the activities described below can be found in the above narrative.

Accessibility

Submitted by Harry Hochheiser, Committee Chair

2.   PROJECT SUMMARY

During the last fiscal year, the USACM Security and Privacy Committee engaged in the following principal activities:

Comments
•   Commented on the Department of Justice's Advanced Notice of Proposed Rule Making (ANPRM) regarding proposed application of the Americans with Disabilities Act to Web Sites (75 FR 43460).

Letters
•   Sent a letter to Dr. Farzad Mostashari, National Coordinator for Health Information Technology, Stressing importance of usability and accessibility of electronic medical records (June 2011).

Please correlate project list with reports from your committees.

3.   PLANS

• Comments on proposed rule-making for ADA and the Web should be completed in 2012.

3.2   List important changes or milestones in active projects during the coming year.

• The ANPRM for ADA and the Web is scheduled to lead to a notice of proposed rule-making in January 21012. The committee will likely develop comments on this proposal.

3.3   List new projects or programs which are proposed or contemplated.

• The continuing deployment of new web features based on the HTML 5 definition will likely lead to broader attention to resulting accessibility concerns, with potential policy implications.

3.4   List details of plan to increase the diversity on the Board with respect to younger members, a wider geographic representation, and a better balance with respect to industry/academia, gender, and other under-represented groups.

• Outreach activities at the annual SIGACCESS conference might attract new members. Such activities will be dependent upon attendance of appropriate council personal at the conference.

Committee Members
Ben Bederson
Jim Cohoon
Dave Farber
Juan Gilbert
Don Gotterbarn
Juan Pablo Hourcade
Chuck House
Paul Hyland
Douglas Jones
Lorraine Kisselburgh
Jonathan Lazar
Clayton Lewis
Erika Poole
Stu Shapiro
Ben Shneiderman
Alec Yasinsac
plus all members of the USACM Council

Digital Government

Submitted by Sarah Granger, Committee Chair

This is a transition year for the Digital Government Committee of USACM, with a new chair. Goals for the committee for the year include increasing committee membership and participation, producing policy recommendations, and providing guidelines for areas under the committee's purview.

PLANS

There has been some discussion in the committee on possibly providing webinars or other training for ACM members, making this committee take on a more proactive role, since it typically deals with less legislation and more agency-driven initiatives. The early part of the year entailed assessing the shifting landscape under executive branch departments. The committee issued a statement on the White House driven plan for reduction of .gov Websites. More recently, the chair has reached out to all committee members for feedback and ideas about future direction of the committee. The results of that dialogue will be collected and provided to the group.

As the US government becomes increasingly reliant on technology for data storage, information dissemination, collaboration, productivity and security, USACM's role will continue to be one of monitoring and assisting in the goals of transparency, accuracy and protection of the information and services placed online.

Committee Members

Geoff Cohen
Dave Farber
Don Gotterbarn
Douglas Jones
Aaron Massey
David Robinson
Ben Shneiderman
plus all members of the USACM Council

Intellectual Property

Submitted by Paul Hyland, Committee Chair

2.   PROJECT SUMMARY

The Intellectual Property Committee is concerned with how U.S. laws and regulations affect intellectual property. Its main focus is to ensure that the rights of producers and consumers of intellectual property are maintained. As USACM members are both producers and consumers, we strive to ensure a delicate balancing act between two sets of sometimes competing interests.

During the last fiscal year, the USACM Intellectual Property Committee engaged in the following principal activities:

•   Submitted a letter to the Senate Judiciary Committee on the Combating Online Infringement and Counterfeits Act (COICA), and aligning itself with a more detailed letter submitted by several other industry and public interest organizations. COICA would have mandated enforcement of copyright by limiting or blocking internet access to domain names claimed to be infringing. These letters expressed concerns regarding both the fairness of the enforcement process which would limit Internet access, and potential harm to the security and reliability of the Domain Name System (DNS) that could result from the enforcement mechanism.

3.   PLANS

3.1   List projects that will be completed or terminated in the coming year.

None

3.2   List important changes or milestones in active projects during the coming year.

•   COICA has been reintroduced in the current Congress as S. 968, the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 ("PROTECT IP Act"). It passed out of the Senate Judiciary Committee, and was placed on hold by Sen. Ron Wyden. A group of distinguished Internet pioneers and security experts released a detailed technical critique of the DNS filtering requirements of PROTECT IP, which USACM believes to be both technically correct and aligned with concerns it would appropriately address. USACM is considering ways to support or amplify the message in this white paper, if it appears as though the PROTECT IP Act moves into further phases of the legislative process.

http://www.shinkuro.com/PROTECT%20IP%20Technical%20Whitepaper%20Final.pdf

S.978, the so-called "illegal streaming" bill, was also passed by the Senate Judiciary Committee recently. This legislation would elevate many copyright infringement penalties to felony status, and was reportedly based upon a wish list of enforcement tools proffered by the Obama Administration's new IP

Czar. A companion bill in the House of Representatives, combining S.968 and S.978, is said to be near introduction; we should watch for further developments.

3.3   List new projects or programs which are proposed or contemplated.

•   Patent reform bills have passed both the House and Senate this year, and we may see a reconciled bill that President Obama will likely sign. This legislation may include provisions that make spurious patent claims easier to refute, and begins to chip away at the field of business process patents, but doesn't seem to include any provisions that would clearly benefit from USACM input.

•   International Trade Agreements have emerged as a policy mechanism to increase the coverage and enforcement of intellectual property regulations. Recently, attention has been directed at two multi-lateral agreements, the Anti-Counterfeiting Trade Agreement (ACTA) and the Trans-Pacific Partnership Agreement (TPPA). The negotiations of these agreements lack transparency, and they contain troubling provisions, but USACM may have little opportunity to play a role. However, we should attempt to stay abreast of important developments, perhaps through closer communication with other organizations.

•   The USACM Intellectual Property Committee could benefit from working with other groups and coalitions more generally; this could help USACM both raise its profile in this issue area and learn more about the issues and the policymaking bodies involved with them. We hope to engage more with organizations such as the Electronic Frontier Foundation, Public Knowledge, the Information Technology & Innovation Foundation, the New America Foundation, and Knowledge Ecology International. We might consider working with the Congressional Internet Caucus Advisory Committee, to participate in the formulation of any policymaker education that revolves around intellectual property issues.

3.4   List details of plan to increase the diversity on the Board with respect to younger members, a wider geographic representation, and a better balance with respect to industry/academia, gender, and other under-represented groups.

•   The Intellectual Property Committee will actively participate in USACM outreach activities that will likely include regional meetings/presentations and recruiting sessions at major computing-related conferences. Individual members of the Committee will be encouraged to actively recruit members with an eye toward broadening the backgrounds and reach of the committee.

•   Specifically, the Committee may be able to identify potential new members at Public Knowledge's 10th Anniversary IP3 Awards event this Fall, and at next year's Computers Freedom and Privacy conference.

Committee Members

Geoff A. Cohen
Bob Ellis
Dave Farber
Barbara Helfer
Lee Hollaar
Chuck House
Paul Jacobs
Douglas W. Jones
Cem Kaner
Garry Paxinos
David Robinson
Pam Samuelson
Bhavani Thuraisingham
David S. Wise
plus all members of the USACM Council

Law

Submitted by Andy Grosso, Committee Chair

Unlike the other USACM committees, the law committee is not issue specific, but focused on computer science issues as they relate to the law. Often this committee will work with the appropriate issue-specific committee as the situation warrants.

Looking to the next fiscal year, there is an opportunity to prepare an amicus curiae brief before the Supreme Court. Specifically, the brief would address the technical nature of GPS surveillance by law enforcement and how it differs from other forms of traditional surveillance by law enforcement. In broader terms, such a brief will enable USACM to advise the high court of the implications for law enforcement, privacy, and civil liberties resulting from the growth of technology, driven by the advance of computing and the systems they support. Other issues of interest for the committee include possible revisions to the Electronic Communications Privacy Act and the Communications Assistance for Law Enforcement Act.

PLANS
I.   Subdivisions:
The Committee will subdivide, and is considering into the following topics for these divisions:
Procedural Divisions: Litigation; Legislation; Law Students

Substantive Divisions: Intellectual Property Rights; Law Enforcement and Civil Liberties; Commercial Developments

The functions of these divisions will overlap.

II.   Law Students

In an effort increase the awareness of computing issues and policy concerns, and to recruit future professionals interested in these areas for the ACM, contact will be made with law professors to involve law students in the various activities of the committee, particularly for litigation and legislative concerns.

Committee Members

Geoff Cohen
Dave Farber
Lance Hoffman
Lee Hollaar
Ron Jarvis
Douglas Jones
Cem Kaner
Vince Lipsio
Aaron Massey
Paul Otto
Garry Paxinos
Erika Poole
Mark Rasch
David Robinson
Anthony Ruocco
Pam Samuelson
March Temin
David Wise
Jessica Young
plus all members of the USACM Council

Security and Privacy

Submitted by Stuart S. Shapiro, Committee Chair

2. PROJECT SUMMARY

During the last fiscal year, the USACM Security and Privacy Committee engaged in the following principal activities:

Congressional Testimony

Testified on the Department of Homeland Security's E-Verify system before the Subcommittee on Social Security of the House Ways and Means Committee (Annie Antón), April 14

Testified on data breach risk before the Commerce, Manufacturing, and Trade Subcommittee of the House Energy and Commerce Committee (Gene Spafford), May 4

Comments

Commented on the draft National Strategy for Trusted Identities in Cyberspace (NSTIC), July 19

Commented on the Department of Commerce Internet Policy Task Force Green Paper "Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy Framework," January 28

Commented on the Federal Trade Commission (FTC) report "Protecting Consumer Privacy in an Era of Rapid Change: A Proposed Framework for Businesses and Policymakers," February 18

At FTC request, elaborated on the dataflow-based lexicon described in the February 18 comments, March 25

Provided informal comments by request on multiple pieces of draft privacy and cybersecurity legislation

Policy Statements

Developed a policy statement on law enforcement access to information infrastructure (as of yet unreleased), January 12

Sign-ons

Signed on to a Digital Privacy and Security Working Group Statement of Concern about Expansion of CALEA [Communications Assistance for Law Enforcement Act], February 15

3. PLANS

3.1 List projects that will be completed or terminated in the coming year.

Comments on the Department of Commerce Internet Policy Task Force Green Paper "Cybersecurity, Innovation and the Internet Economy"

3.2 List important changes or milestones in active projects during the coming year.

None

3.3 List new projects or programs which are proposed or contemplated.

Engage with the Department of Homeland Security to further explore the ideas and issues raised by its discussion paper "Enabling Distributed Security in Cyberspace: Building a Healthy and Resilient Cyber Ecosystem with Automated Collective Action"

3.4 List details of plan to increase the diversity on the Board with respect to younger members, a wider geographic representation, and a better balance with respect to industry/academia, gender, and other under-represented groups.

The Security and Privacy Committee will actively participate in USACM outreach activities that will likely include regional meetings/presentations and recruiting sessions at major computing-related conferences. Individual members of the Committee will be encouraged to actively recruit diverse members.

Committee Members

Steve Bellovin
Jean Camp
Jim Cohoon
Lillie Coney
Lorrie Cranor
Brian Dean
Julie Earp
Bob Ellis
Dave Farber
Seymour Goodman
Rebecca Herold
Lance Hoffman
Paul Hyland
Maritza Johnson
Douglas W. Jones
Patrick Kelly
Lorraine G. Kisselburgh
Kim Lawson-Jenkins
Aaron Massey
Peter Neumann
Paul Otto
Garry Paxinos
Virginia Rezmierski
Chris Roberts
David Robinson

Arnon Rosenthal
George Roussos
Anthony Ruocco
Pam Samuelson
Fred Schneider
Jonathan M. Smith
Bhavani Thuraisingham
Lorenzo Valeri
David Wagner
Alec Yasinsac
Jessica Young
plus all members of the USACM Council

Voting

Submitted by Jeremy Epstein, Committee Chair

PROJECT SUMMARY
During the last fiscal year, the USACM Voting Committee engaged in the following principal activities:

Publicity
* Two USACM members, Barbara Simons and Jeremy Epstein, co-authored a *Washington Post* op-ed (along with David Jefferson, who is not a USACM member) on the topic of Internet voting.

Discussions
• Position on internet elections for professional societies: After discussion, determined this was not a USACM issue. Some members signed a statement to the USENIX Association as individuals, but not as USACM.
* Position on closing the Election Assistance Commission: After discussion, determined that whether this Federal agency should be closed was not an appropriate topic for USACM.

3. PLANS
3.1 List projects that will be completed or terminated in the coming year.
None

3.2 List important changes or milestones in active projects during the coming year.
Unknown

3.3 List new projects or programs which are proposed or contemplated.

The committee is generally responsive to Congressional and Administration legislative action. This is likely to be a quiet year until springtime, when Presidential primaries will reinvigorate legislative interest in voting issues. I expect that we will see pushes towards Internet voting for all citizens on the basis of reducing costs (despite the lack of evidence for such a claim). USACM will need to monitor and be responsive to legislation, and should seek to proactively engage with appropriate committees and departments to educate them on the technical issues involved in such a move.

3.4 List details of plan to increase the diversity on the Board with

respect to younger members, a wider geographic representation, and a better balance with respect to industry/academia, gender, and other under-represented groups.

We will solicit members at the EVT/WOTE workshop affiliated with USENIX Security in August 2011, which is the primary gathering place for people interested in voting technology.

Committee Members

Lillie Coney
David Dill
William Edelstein
Dave Farber
Juan Gilbert
Don Gotterbarn
Douglas W. Jones
Cem Kaner
Kim Lawson-Jenkins
Vince Lipsio
Peter Neumann
Curtis Sawyer
David Wagner
David S. Wise
Alec Yasinsac
plus all members of the USACM Council

APPENDIX

LIST OF USACM MEMBERS OF ALL COMMITTEES COMBINED

Annie Antón
Marty Apple
Ben Bederson
Steven Bellovin
David Brandin
Travis Breaux
Charles Brownstein
Jean Camp
Steve Cherry
Sunny Choi
James Cohoon
Lillie Coney
Lorrie Cranor
Brian Dean
David Dill
Julie Earp
William Edelstein
Bob Ellis
Jeremy Epstein
Dave Farber
Stuart Feldman
Edward Felten
Mark Ferneau
Thomas Gideon
Juan Gilbert
Seymour Goodman
Don Gotterbarn
Sarah Granger
Andrew Grosso
Jeff Grove
Kat Hanna
Barb Helfer
Rebecca Herold
Harry Hochheiser
Lance Hoffman

Lee Hollaar
Jim Horning
Chuck House
Paul Hyland
Ron Jarvis
Paul Jacobs
Maritza Johnson
Amy Joines
Douglas W. Jones
Laurie Jones
Cem Kaner
Lorraine Kisselburgh
Kathryn Kleiman
Kim Lawson-Jenkins
Jonathan Lazar
Ed Lazowska
Clayton Lewis
Vincent Lipsio
Aaron Massey
Jeanna Matthews
Jonathan S. Miller
Peter Neumann
Paul Otto
Garry Paxinos
Jon Peha
Alan Rea
Jennifer Rexford
Virginia Rezmierski
Chris Roberts
David Robinson
Arnon Rosenthal
Marc Rotenberg
George Roussos
Anthony S. Ruocco
Pam Samuelson
Fred Schneider
Stuart S. Shapiro
Erika Shehan
Ben Shneiderman

Barbara Simons
Jonathan M. Smith
Ollie Smoot
Eugene Spafford
Bhavani Thurasingham
Lorenzo Valeri
Emil Volcheck
David Wagner
Willis Ware
John White
David Wise
Alec Yasinsac
Jessica Young
Stu Zweben