Fiscal Year 2013 Annual Report of the US Public Policy Council of the ACM

For the Period July 1, 2012 – June 30, 2013

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, 2012-JUNE 30, 2013

1. BASIC INFORMATION
1.1 MEMBERS

USACM COUNCIL
- Eugene H. Spafford (USACM Chair);
- Ed Felten (USACM Co Vice-Chair)
- Stuart Shapiro (USACM Co Vice-Chair);
- Charles Brownstein (Former USACM Chair);
- Travis Breaux (Privacy and Security Committee Co-Chair);
- Chris Bronk (At Large), term expires 12/31/13
- Jean Camp (At Large), term expires 12/31/13;
- Vint Cerf, (ACM President), *ex officio*
- Jeremy Epstein (Voting Committee Chair);
- Andrew Grosso (Law Committee Chair);
- Jim Hendler (Digital Government Committee Chair);
- Harry Hochheiser (Accessibility Committee Chair);
- Paul Hyland (Intellectual Property Committee Chair);
- Jeanna Matthews (SIG Representative);
- Andy Oram (At Large), term expires 12/31/13;
- Alan Rea (Privacy and Security Committee Co-Chair);
- David Robinson (At Large),
- 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 12/31/14;
- Emil Volcheck (SIG Representative);
- John White (ACM CEO) *ex officio;*
- Cameron Wilson (ACM Director of Public Policy), *ex officio*; and,
- Alec Yasinsac (At Large), term expires 12/31/14

1.2 STANDING COMMITTEES

- Accessibility
  - Chair, Harry Hochheiser
- Digital Government
  - Chair, Jim Hendler
- Intellectual Property

- Chair, Paul Hyland
- Law
  - Chair, Andrew Grosso
- Security and Privacy
  - Co-Chairs, Travis Breaux and Alan Rea
- 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.

Continuity of E-Government Letter sent to the federal Chief Information Officer and other agency CIOs on the need to plan for providing electronic government information and services in times of natural disaster or similar distresses on infrastructure.

Participation in Identity Ecosystem Steering Group (IDESG) USACM volunteers helped with the work of the IDESG, which is responsible for establishing the support structure to implement the National Strategy for Trusted Identities in Cyberspace. The work of the Steering Group will continue for the foreseeable future.

Reform of Electronic Communications Privacy Act USACM signed on to letters from technology interest groups to encourage revising federal law on electronic communications access for law enforcement. The letters support treating all forms of electronic communication equally in terms of warrant and subpoena requirements.

Federal Caps on Scientific and Technical Conference Spending Along with other groups, USACM sent letters to federal and legislative leaders expressing concerns that budget tightening on conference spending had unintended consequences. These consequences could hamper the ability of federal scientists and engineers from fulfilling their job duties and assisting agencies in serving the public.

Working Group on Computer Fraud and Abuse Act Reform Following the death of Aaron Swartz and the associated debate over his actions and their consequences, USACM opted to form an ad hoc group to discuss how it would approach possible changes to the Computer Fraud and Abuse Act.

Federal Cybersecurity Activity As the government struggled to move forward with new law to address concerns over cybersecurity, USACM was ready to provide feedback. We released a statement in connection with the President's Executive Order, and followed that up with comments on the Framework described in that order. We also continued outreach to Congress in response to legislation from the House of Representatives, and commented on the Federal Cybersecurity Research and Development Strategic Plan.

Software-Related Patents USACM commented to the U.S. Patent and Trademark Office (USPTO) on how the USPTO and the software community could "enhance the quality of software-related patents." We encouraged further exploration of prior art, review of technical merits, automated examination and supplemental training in Software Partnership discussions.

Transatlantic Trade and Investment Partnership - USACM submitted comments to a Congressional committee and executive branch personnel on the information technology provisions of this international agreement between the European Union and the United States. The focus of our comments was on balancing privacy, competitiveness and intellectual policy interests.

Presidential Commission on Election Reform - The President established a commission to examine election administration by Executive Order following the 2012 election. USACM sent a letter to the board outlining how technology issues should be treated in the context of voting systems: additional scrutiny is needed to reliably use technology to support elections because of the special requirements of voting (including accessibility).

3. PLANS

3.1 Projects for the coming year

Other items will likely arise, including opportunities to provide informal expert advice, expert testimony, and connecting ACM members with relevant agencies and personnel. We will pursue any appropriate opportunities that arise.

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 ongoing without any particular milestones that can be noted in advance.

3.3 New projects or programs

We are investigating establishing a policy award within ACM. We are exploring how to get some policy-based speakers and outreach from USACM to other ACM members.

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 believe

that general membership on the USACM Council is reasonably representative of US-based ACM membership.

We have added several new members to USACM, and will continue to seek out and add more.

4. COMMENTS

It has been a very busy and productive year for USACM. Each year we find more items with which to be involved, and our level of member activity increases.

For the next year we need to focus on getting more people involved in USACM rather than acting as (mostly) observers. We also want to try to execute on some projects that will take longer time to accomplish, such as producing white papers.

Overall, USACM seems to be on a sound footing, and accomplishing its goals.

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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 FY2013, the USACM-EC consisted of the following members:

- Eugene H. Spafford (USACM Chair, Purdue);
- Ed Felten (USACM Co-Vice Chair, Princeton University);
- Stuart Shapiro (USACM Co-Vice Chair, MITRE Corporation);
- Vint Cerf (ACM President, Google), *ex officio;*
- Jeremy Epstein (Voting Committee Chair, SRI International and NSF);
- Harry Hochheiser (Accessibility Committee Chair, University of Pittsburgh);
- Barbara Simons (retired, former USACM Chair);
- Ollie Smoot (retired);
- Emil Volcheck (SIG Representative, National Security Agency);
- 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);
- Ed Felten (USACM Co Vice-Chair)
- Stuart Shapiro (USACM Co Vice-Chair);
- Charles Brownstein (Former USACM Chair);
- Travis Breaux (Privacy and Security Committee Co-Chair);
- Chris Bronk (At Large), term expires 12/31/13
- Jean Camp (At Large), term expires 12/31/13;
- Vint Cerf, (ACM President), *ex officio*
- Jeremy Epstein (Voting Committee Chair);
- Andrew Grosso (Law Committee Chair);
- Jim Hendler (Digital Government Committee Chair);
- Harry Hochheiser (Accessibility Committee Chair);
- Paul Hyland (Intellectual Property Committee Chair);
- Jeanna Matthews (SIG Representative);
- Andy Oram (At Large), term expires 12/31/13;
- Alan Rea (Privacy and Security Committee Co-Chair);
- David Robinson (At Large),
- 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 12/31/14;
- Emil Volcheck (SIG Representative);
- John White (ACM CEO) *ex officio;*
- Cameron Wilson (ACM Director of Public Policy), *ex officio*; and,
- Alec Yasinsac (At Large), term expires 12/31/14

Emil Volcheck rotated off USACM as a SIG representative between the end of the fiscal year and the date this report was submitted. Barbara Owens joins Jeanna Matthews as a SIG Representative, and Jeanna takes Emil's place on the USACM Council Executive Committee.

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.

FY2013 OVERVIEW AND HIGHLIGHTS

The past fiscal year continued the trend of increased policy activity by USACM staff and volunteers. Most USACM activity during the fiscal year focused on issues covered by the Accessibility, Privacy and Security, and Intellectual Property Committees. Besides our continued interaction with Congressional

staff, USACM has commented to and/or reached out to more executive branch agencies, including the Presidential Commission on Election Reform, the National Institute of Standards and Technology, and the U.S. Patent and Trademark Office.

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. A new effort for USACM this fiscal year has been its participation, on behalf of ACM, in the Identity Ecosystem Steering Group (IDESG) a partnership set up to encourage identity solutions that are consistent with the National Strategy for Trusted Identities in Cyberspace (NSTIC). Stuart Shapiro, Alan Rea, and Jean Camp have participated in IDESG activities, along with David Bruggeman from the ACM Public Policy Office

Thanks to the hard work and dedication of our volunteers and staff, FY 2013 was a 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 2012

USACM Makes Recommendations on Continuity of E-Government

With government services and information increasingly reliant on the web and cloud services, preserving these activities during times of extreme weather, natural disaster or other major event becomes more difficult. USACM made recommendations in a letter sent to U.S. Chief Information Officer Steven VanRoekel and other members of the federal CIO Council. Those recommendations encouraged agencies and the U.S. CIO to include mitigating website interruptions or disruptions in their emergency plans, and to coordinate those efforts with local and state government services. The full recommendations are available at:

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

USACM Signs on to Letter Supporting Reforms to Electronic Communications Law

The Center for Democracy and Technology circulated a letter supporting an amendment to Senate cybersecurity legislation that would standardize the treatment of electronic communications with respect to law enforcement access. Under current law (the Electronic Communications Policy Act) warrants are

not required for accessing some electronic communications, and the amendment would change that. The final letter is available at:

https://www.cdt.org/letter/letter-senate-leaders-addressing-ecpa-concerns-cybersecurity-legislation

August 2012

USACM Participates in First IDESG Plenary

The first plenary meeting of the Identity Ecosystem Steering Group (IDESG) took place in Chicago. Set up as a partnership guided, but not led, by the government to help encourage new methods for assuring identity, the IDESG spent the first meeting standing up as an organization and outlining the challenges of effectively implementing the National Strategy for Trusted Identities in Cyberspace. Council members Alan Rea, Stuart Shapiro and Jean Camp all participated in the meeting, along with David Bruggeman from the ACM Policy Office.

September 2012

USACM Expresses Concerns Over Federal Support For Scientific And Technical Conferences

In response to reported excesses in conference spending by federal agencies, both the Office of Management and Budget and members of Congress worked to implement spending restrictions on conference and travel spending. USACM joined with the Computing Research Association, the IEEE-USA and the Society for Industrial and Applied Mathematics to express concerns over unintended consequences from these restrictions on scientific and technical meetings and conferences. The letter, which was sent to members of Congress and Obama Administration officials, notes that these meetings provide important opportunities for federal scientists and engineers to interact with their professional communities. The meetings also allow for those scientists and engineers to support the missions of their respective agencies. The complete recommendations can be seen in the letter at:

http://usacm.acm.org/images/documents/GSAAct2012Letter.pdf

USACM Re-iterates Support For ECPA Reform

Echoing an effort in July to reform the Electronic Communications Privacy Act through an amendment, the Center for Democracy and Technology issued another letter supporting an amendment by Senator Leahy to standardize the treatment of electronic communications for law enforcement purposes. As it did in July, USACM signed on to the September letter, available online at:

October 2012

USACM Leadership Meet At ACM Headquarters

USACM Chair Eugene Spafford and Co-Chairs Ed Felten and Stuart Shapiro met with Policy Office staff and ACM Headquarters and communications staff. The meeting focused heavily on processes and procedures for USACM decision making. Communications tools and strategies were also discussed.

November 2012

USACM Continues IDESG Participation

The second Identity Ecosystem Steering Group Plenary (IDESG) took place in Washington, D.C., and USACM continued to participate in the group on behalf of ACM. While USACM members were involved in the Privacy, Security and User Experience committees, the most activity in the early stages of the IDESG has been in Privacy, where Stuart Shapiro made significant contributions to committee leadership, including the development of the committee's privacy evaluation methodology.

IDESG work continued throughout the fiscal year (and continues into the future), with plenary meetings in February, May and June of 2013. Plenary meetings and committee work continued as the Steering Group finalized its operational procedures, and committees started to evaluate products and develop models that were consistent with the principles of the National Strategy for Trusted Identities in Cyberspace.

December 2012

USACM Provides Input on Federal Cybersecurity Research and Development Strategy

The National Science Foundation was seeking input on the Federal Cybersecurity Research and Development Plan, released in late 2011. Our comments emphasized that any approach to the field should note that cybersecurity is far more than a set of technically-oriented research questions. Activities that should also be part of a cybersecurity research plan should include research on human subjects, research on privacy, and training that integrates research results with workforce practices.

Our complete comments can be read at:

http://usacm.acm.org/images/documents/USACMCybersecurityR&DComments.pdf

January 2013

USACM Establishes Ad Hoc Group Related to Computer Fraud and Abuse Act

Prompted by the debates around the death of Aaron Swartz and the charges against him, USACM Council discussed how it may wish to respond to the related technical and legal issues. Council decided to establish an ad hoc group to formulate a response around any efforts to update relevant provisions of the Computer Fraud and Abuse Act. The group is focused on a particular legislative response currently stalled in Congress.

Former USACM Council Member Jim Horning Passes

Shortly after concluding several years of service on the USACM Council, longtime USACM member Jim Horning passed away. Jim was one of the earliest members of USACM, and was a member of the Council's Executive Committee. His service to ACM extends well past his work on USACM, and he is missed.

February 2013

USACM Chair Comments on Cybersecurity Executive Order

The President issued an Executive Order focused on cybersecurity for critical infrastructure. It focuses on information sharing between the private sector and the federal government, and developing related risk-based standards. In response, USACM Chair Eugene Spafford issued a press release outlining suggestions for implementing the Executive Order. Spafford was encouraged by the consultative process outlined in the order, but cautioned against developing standards or risk management responses that did not account for the differences across cybersecurity systems and sectors. It is important to recognize those differences and allow for appropriate levels of flexibility to stay current with respect to risks and new technologies. The full press release is available at:

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

March 2013

USACM Relaunches ACM Washington Update

After a long hiatus, the ACM Policy Office relaunched the ACM Washington Update newsletter. Now being published under the same format as ACM TechNews, the newsletter is published monthly and covers policy news of interest to ACM, including USACM activities. You can read the newsletter at:

http://washington-update.acm.org

April 2013

USACM Expands on Previous Comments Related to Cybersecurity Legislation

In 2012 the House of Representatives considered the Cyber Information Sharing and Protection Act (CISPA). USACM had concerns with that legislation and expressed them at the time. In the current Congress an essentially identical bill was introduced, which prompted USACM to issue a revised and extended edition of its previous letter.

The bill needs additional guidance on several aspects of good information privacy practices, particularly for minimizing the risk of disclosure of personally identifiable information. This can include procedures for review and deletion of data no longer needed to support cybersecurity purposes, including sufficient metadata with shared information, and protections against unauthorized or accidental disclosure, modification or other access.

The letter can be read at:

http://usacm.acm.org/images/documents/USACMCISPA0313.pdf

USACM Comments on Improving Quality of Software-Related Patents

The U.S. Patent and Trademark Office (USPTO) sought comments on how the USPTO and the software community could "enhance the quality of software-related patents." USACM submitted comments encouraging further exploration of various topics in Software Partnership discussions. These topics would include finding and assessing relevant prior art, improving the review of technical merits asserted in software patent applications, supplemental training needs for examiners, and the consequences (beneficial and challenging) of automated approaches to patent examination and validation.

The full comments are available at:

http://usacm.acm.org/images/documents/USACM_USPTO_SoftwarePatents_04152013.pdf

USACM Encourages Flexibility in Proposed Cybersecurity Framework

The President's Executive Order on cybersecurity requires the National Institute of Standards and Technology (NIST) to develop a set of standards, methodologies, procedures and processes to coordinate approaches to address cybersecurity risks. This set is called the Cybersecurity Framework, and NIST sent out a Request for Information. In its response, USACM focused on effective privacy controls and the fluidity/flexibility of cybersecurity. It encouraged the application of fair information practice principles throughout the Framework and taking care to avoid becoming too static in preparing against cybersecurity threats. The full response can be read at:

http://csrc.nist.gov/cyberframework/rfi_comments/040813_usacm.pdf

May 2013

USACM Council Meets in Washington

USACM Council met in Washington, D.C. on May 9th and 10th. The Council discussed plans for the next 12-18 months, and reviewed a proposed formalization of USACM procedures for developing and approving policy products. The Council also formed two working groups: one for outreach to ACM and another for development of an ACM Award focused on computing work related to policy.

USACM Comments on Transatlantic Trade and Investment Partnership

The European Union and the United States are negotiating the Transatlantic Trade and Investment Partnership. Part of the agreement focuses on information and communication technology services, including intellectual property protection and enforcement. USACM submitted comments, encouraging the U.S. Trade Representative to consider three important principles in its negotiations: preserving data privacy, encouraging innovation and competitiveness, and balancing intellectual property concerns with other policy interests. The full comments are available at:

https://docs.google.com/file/d/0Bwncn5jhpy83QjhTS2pJS0xZRFk/edit?pli=1

USACM issued a similar statement outlining these principles to the Ways and Means Committee of the House of Representatives.

June 2013

USACM Outlines Technology Issues to Presidential Election Commission

The Presidential Commission on Election Administration held its first public meeting in Washington, D.C. As part of the public comment period for that meeting, USACM submitted a letter to the Commission Co-Chairs outlining the importance technology has in modern election systems. Because of the expectations associated with voting, technologies used for voting require additional scrutiny to ensure the system is reliable, responsive, secure, private, accessible, usable, and auditable. The Commission continues its work, which will inform a report to the President on how to improve election administration.   You can read the full letter at:

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

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

1.   <u>BASIC INFORMATION</u>
1.1   List of committee members, terms of office; begin with chair.

    Harry Hochheiser
    Ben Bederson
    Jean Camp
    Jim Cohoon
    Dave Farber
    Simson Garfinkel
    Juan Gilbert
    Don Gotterbarn
    Sarah Granger
    Juan Hourcade
    Chuck House
    Douglas Jones
    Lorraine Kisselburgh
    Jonathan Lazar
    Clayton Lewis
    Erika Poole
    Andrew Sears
    Ben Shneiderman
    plus all members of USACM Council

1.2   State the purpose to the committee -- its current charter. If an ad hoc committee, state the termination date.

The purpose of this committee is to work within the larger USACM framework to encourage greater accessibility of computing technology to as broad a population as possible, regardless of physical, cognitive, and other disabilities that may limit an individual's ability to use a computer. USACM's accessibility committee works to increase awareness of accessibility issues, to promote the development of appropriate tools, and to support the development of standards that will promote accessibility.

1.3   Indicate the organization of the committee into subcommittees or other subunits; give a one-sentence description of each subunit's charter. Name the individual responsible for each subunit.

None

1.4   List dates of committee meetings.

None – all business conducted via listserv

2.   PROJECT SUMMARY

List all projects, of the committee or its subunits that have been active at any time during the fiscal year. Use this format:

USACM Comments on Updates to Accessibility Regulations: In response to the proposed revisions to the Section 508 regulations governing accessibility requirements for government websites and Section 255 regulations governing equipment procured by the government, the Accessibility committee submitted comments in support of the U.S. Access Board's approval to adopt the proposed final rule. The U.S. Access Board indicated that the final rule will adopt the W3C's web content accessibility guidelines (WCAG), an international standard. USACM advocated for adoption of this standard in its earlier public comments during the multiyear review process to update the accessibility regulations.

Responsible Person: R. Dopplick
Starting Date: March 11, 2013
Status: Terminated: March 14, 2013
Funds Budgeted and Spent: $0

Other Developments

Harry Hochheiser and Jonathan Lazar wrote an article on "Interface Accessibility in the US: A Technical-Legal Challenge," to be published in the December 2013 issue of *Communications of the ACM* (CACM).

Jonathan Lazar spoke on intellectual property in context of the rights of persons with disabilities in the digital age at a symposium at AU Washington College of Law in April 2013.

Juan Gilbert spoke on accessible voting at the EAC Roundtable on Voting System Accessibility on May 9, 2013 and at the EAC/NIST Accessible Voting Technology Workshop in April 2013.

3.   PLANS
3.1   List projects that will be completed or terminated in the coming year.
3.2   List important changes or milestones in active projects during the coming year.
3.3   List new projects or programs which are proposed or contemplated.

We are considering several possible projects directed at increasing awareness of accessibility concerns, including:

- Providing comment on the W3C Guidance on Applying WCAG 2.0 to Non-Web ICT: Final Draft

- Responding to the request for public comments on proposed new Title II ADA regulations by the Department of Justice. The proposed regulations would address the obligations of state and local governments to make their websites accessible to and usable by individuals with disabilities.

- Meeting with or presentation by U.S. Access Board Commissioner for USACM Accessibility Committee members.

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

4.   COMMENTS
List any comments you wish brought to your Board's or Council's attention.

Digital Government

Submitted by Jim Hendler

1.   BASIC INFORMATION

1.1   List of committee members

Jim Hendler

Chris Bronk

Geoff Cohen

Lillie Coney

Dave Farber

Simson Garfinkel

Sarah Granger

Don Gotterbarn

Douglas Jones

Jonathan Lazar

Aaron Massey

Andy Oram

David Robinson

Ben Shneiderman

Alec Yasinsac

plus all the members of USACM Council

1.2   State the purpose to the committee -- its current charter. If an ad hoc committee,
       state the termination date.

Computing and networking technology has made it easier than ever before for organizations and individuals to share, analyze and understand large bodies of information. Government agencies and legislators have long recognized the value of the Internet, having helped to create it, and share a strong commitment to providing for the information needs of citizens and others.

Government agencies increasingly post information -- often for the benefit of individual citizens -- on the Internet and through the World Wide Web (WWW). The U.S. Public Policy Council of the ACM (USACM) applauds ongoing efforts to make these data as accessible as possible to all Americans. However, law, custom and technology have all contributed to diverse and often inconsistent forms of publication for the data provided.

Many Internet users are learning to control their online experience, including combining and analyzing information in innovative ways that go beyond what the data's original publishers imagined. Individual citizens, companies and organizations have begun to use computers to analyze government data, often creating and sharing tools that allow others to perform their own analyses. This process can be enhanced by government policies that promote data reusability, which often can be achieved through modest technical measures. But today, various parts of governments at all levels have differing and sometimes detrimental policies toward promoting a vibrant landscape of third-party web sites and tools that can enhance the usefulness of government data.USACM makes the following policy recommendations for data that is already considered public information.

1.3   Indicate the organization of the committee into subcommittees or other subunits; give a one-sentence description of each subunit's charter. Name the individual responsible for each subunit.

No subunits

1.4   List dates of committee meetings.

Online only

2.   <u>PROJECT SUMMARY</u>

This continues to be a transition period for the Digital Government Committee of USACM, with a new chair. Goals for the committee for the year include: increasing committee visibility and engagement with USACM members; increasing membership of the committee through proactive Digital Government policy work; raising federal government awareness of USACM Digital Government policy recommendations; and better engagement of committee members with subject matter expertise to improve USACM Digital Government guidance for areas under the committee's purview.

In July 2012, the committee issued a letter to federal chief information officers and other executive branch officials outlining recommendations for continuity of e-government information and services in times where infrastructure is under stress (such as storms, other disasters, power outages). The letter encouraged agencies to include websites and other electronic information in their emergency plans and procedures. It also recommended that the Federal CIO work on plans to deal with website disruption for

the federal government, and to coordinate federal government plans with state and local e-government activities.

3.   PLANS

The incoming chair, appointed in Spring 2013, is coordinating efforts with the ACM Public Policy Office staff, and the Chair of the USACM on new ideas for projects. The chair has conducted outreach to all committee members for comments and ideas about project development. If an initiative has sufficient support among Committee members and the larger group of USACM members then it will be pursued. Discussions have also begun about extending the committee, exploring how to work with State governments as a way to attract new members, and exploring what role the USACM might play in encouraging more international efforts as the sharing of open government data, one of our themes, is increasingly becoming an important policy initiative of the US in its own right (cf. the Open Government Partnership started by the US State Department).

Additionally, as the US government becomes increasingly reliant on technology for data storage, information dissemination, collaboration, productivity, security, and constituent engagement, the USACM will focus its efforts on monitoring and assisting in the goals of transparency, accuracy and protection of the information and services placed online.

.
3.4   List details of plan to increase the diversity of the committee membership, 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 need for more committee members is clear, and we will work with the USACM on increasing membership on all of these dimensions.

4.   COMMENTS
        List any comments you wish brought to your Board's or Council's attention.

Intellectual Property

Submitted by Paul Hyland

1. BASIC INFORMATION

1.1 List of committee members, terms of office; begin with chair.

> Paul Hyland, Chair
> Eric Burger
> Geoff Cohen
> Bob Ellis
> Dave Farber
> Barbara Helfer
> Lee Hollaar
> Chuck House
> Paul Jacobs
> Douglas Jones
> Cem Kaner
> Andy Oram
> Garry Paxinos
> David Robinson
> Pam Samuelson
> Bhavani Thuraisingham
> David Wise
> *plus all members of USACM Council*

1.2 State the purpose to the committee -- its current charter. If an ad hoc committee, state the termination date.

> This committee is concerned with the different interests that need to be balanced concerning intellectual property. Interested in preserving the intellectual property rights of those producing new computing technology and services, the committee also wants to preserve fair use and other legitimate uses of things that might be protected under intellectual property rights.

science researchers and developers have discovered. USACM encourages policymakers to adopt policies that address specific user behaviors, rather than broadly prohibiting technologies that may be used for both desirable and undesirable purposes. Policy should not prohibit an otherwise beneficial technology just because it can be used for an illegal purpose. Additionally, policymakers need to make sure that fair uses of intellectual property are preserved. Without fair use rights, researchers, students and others cannot effectively exchange knowledge and information.

1.3   Indicate the organization of the committee into subcommittees or other subunits; give a one-sentence description of each subunit's charter. Name the individual responsible for each subunit.

None

1.4   List dates of committee meetings.

None – all business conducted via listserv

2.   <u>PROJECT SUMMARY</u>
List all projects, of the committee or its subunits that have been active at any time during the fiscal year. Use this format:

USACM Comments on Software Patent Quality: In response to a request by the U.S. Patent and Trademark Office for recommendations on how to improve software patent quality, USACM submitted comments in support of improving examiners ability to find and understand prior art, improved reviews of the technical merits of patent application reviews, improved software tools for examiners to use, and training of examiners in software-related topics.

Responsible Person: Paul Hyland
Starting Date: February 1, 2013
Status: Terminated: April 16, 2013
Funds Budgeted and Spent: $0

USACM Comments on Proposed US-EU Trade Agreement: USACM submitted comments to the Office of the U.S. Trade Representative (USTR) on the proposed Transatlantic Trade and Investment Partnership (TTIP) trade negotiations with the European Union. USACM urged the USTR to negotiate intellectual property provisions that uphold relevant domestic laws and international law while

concurrently fostering innovation of software and digital computing, preserving the rights of users of these technologies, and minimizing barriers that could impede the economic potential of digital trade, e-commerce, and internet-based services.

Responsible Person: Paul Hyland
Starting Date: April 11, 2013
Status: Terminated: May 14, 2013
Funds Budgeted and Spent: $0

USACM Testimony on Proposed US-EU Trade Agreement: USACM submitted a statement for the Record to the U.S. House of Representatives Ways and Means Committee for the hearing on the U.S.-EU Transatlantic Trade and Investment Partnership (TTIP) negotiations. The statement identified three principles when negotiating provisions relevant to intellectual property protection and enforcement within this important proposed trade agreement between the United States and the European Union: balancing protections with public and private rights, promoting innovation and competition, and preserving data privacy of individuals.

Responsible Person: Renee Dopplick
Starting Date: May 15, 2013
Status: Terminated: May 30, 2013
Funds Budgeted and Spent: $0

Other Developments

Committee member Pamela Samuelson wrote the following articles for the *Communications of the ACM* (CACM):

- "A Copyright Challenge to Resales of Digital Music," March 2013, available at: http://cacm.acm.org/magazines/2013/3/161199-a-copyright-challenge-to-resales-of-digital-music

- "Oracle v. Google: Are APIs Copyrightable?", November 2012, available at: http://cacm.acm.org/magazines/2012/11/156574-oracle-v-google

- "Can Online Piracy Be Stopped by Laws?", July 2012, available at: http://cacm.acm.org/magazines/2012/7/151228-can-online-piracy-be-stopped-by-laws

Committee Chair Paul Hyland spoke at a meeting of the ACM Washington, D.C. Chapter on intellectual property policy in February 2013.

Committee member Paul Jacobs was appointed to the USPTO Patent Public Advisory Committee (PPAC) in November 2012.

Committee member Pamela Samuelson testified before the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet on "A Case Study for Consensus Building: The Copyright Principles Project" on May 16, 2013.

Committee member Geoff Cohen was selected to serve on a panel on functional claims at the USPTO Software Partnership Roundtable on February 27, 2013.

3.   PLANS

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

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

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

- Continue to actively participate in the U.S. Patent and Trademark Office's partnership with the software community to enhance the quality of software-related patents, known as the Software Partnership.

- Comment on legislative reforms to address software and high-tech patents, as relevant to USACM's core mission and strategic priorities.

- Track and engage with discussions in Congress about major copyright reform. The reform is expected to be a multiyear process.

- Continue to track and engage with the negotiations of proposed trade agreements, such the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), and provide recommendations to Congress and the U.S. Trade Representative, as relevant to copyright and other intellectual property policy outcomes in the U.S.

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

4.   COMMENTS

List any comments you wish brought to your Board's or Council's attention.

Law

Submitted by Andy Grosso, Chair

1.   BASIC INFORMATION

1.1   List of committee members, terms of office; begin with chair.

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

1.2   State the purpose to the committee -- its current charter. If an ad hoc committee,
       state the termination date.

       The committee works within the broader USACM framework. The committee is dedicated to
       monitoring the federal legal landscape that affects computing policy issues and ensuring that
       such laws provide an environment conducive to innovation.

1.3   Indicate the organization of the committee into subcommittees or other subunits;
        give a one-sentence description of each subunit's charter. Name the individual
        responsible for each subunit.

        None

1.4   List dates of committee meetings.

        None – all business conducted via listserv

2.   <u>PROJECT SUMMARY</u>
        List all projects, of the committee or its subunits that have been active at any
        time during the fiscal year. Use this format:

        **Input to Congressional Internet Caucus Advisory Committee Event: Privacy, the NSA, and Your
        Constituents' Phone and Internet Records: An Experts' Primer on the Law, the Technology and the
        History:** USACM participated in the planning discussions for this panel held on Capitol Hill, including
        working with other Advisory Committee members to identify potential technical terms related to the
        issues.

        Responsible Person: R. Dopplick
        Starting Date: June 12, 2013
        Status: Terminated: June 21, 2013
        Funds Budgeted and Spent: $0

        Input to Congressional Internet Caucus Advisory Committee Event: State of the Net Conference:
        The two-day State of the Net Conference, sponsored by the Congressional Internet Caucus Advisory
        Committee, is the largest information technology policy conference in the U.S. The majority of the
        attendees are Congressional staff and government policymakers. USACM participated in the planning
        discussions. ACM Policy Office staff attended the conference.

        Responsible Person: R. Dopplick
        Starting Date: November 15, 2012
        Status: Terminated: January 22, 2013
        Funds Budgeted and Spent: $0

Input to Congressional Internet Caucus Advisory Committee Event: Commemorating the 15th Anniversary of the Digital Millennium Copyright Act (DMCA): The Congressional Internet Caucus Advisory Committee held an event at Santa Clara Law School to commemorate the 15th Anniversary of the enactment of the Digital Millennium Copyright Act (DMCA). USACM participated in the planning discussions. USACM Vice-Chair Ed Felten participated as a panelist in his personal capacity.

Responsible Person: R. Dopplick
Starting Date: July 18, 2012
Status: Terminated: March 15, 2013
Funds Budgeted and Spent: $0

3.   PLANS

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

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

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

•Continue participation in the Congressional Internet Caucus Advisory Committee and the planning of events to be held on Capitol Hill.

•Continue discussions with legal professional associations, such as the American Bar Association and the American Intellectual Property Law Association, on ways that USACM and/or the Law Committee might work with these associations to advance USACM's strategic goals and objectives.

•Provide training and training support materials on technology issues to judges, attorneys, staff, and other legal professionals so that they can better understand cutting edge issues of technology and apply that understanding to legal questions in dispute.

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

Security and Privacy

Submitted by Travis Breaux and Alan Rea, Co-Chairs

1. BASIC INFORMATION

This committee examines the interlinked issues of privacy and security. The committee focuses both on the implications of new technologies for privacy and security and on how to design and implement information technology to preserve privacy and security.

1.1 Members of the Board

Travis Breaux, Co-Chair
Alan Rea, Co-Chair

Eric Burger
Jean Camp
Jim Cohoon
Lillie Coney
Lorrie Cranor
Brian Dean
Julie Earp
Bob Ellis
Dave Farber
Seymour Goodman
Sarah Granger
Lance Hoffman
Maritza Johnson
Douglas Jones
Laurie Jones
Lorraine Kisselburgh
Kim Lawson-Jenkins
Aaron Massey
Sam Morales
Peter G. Neumann
Paul Otto
Garry Paxinos
Mark Rasch
David Robinson
Arnon Rosenthal
George Roussos
Anthony Ruocco
Pam Samuelson
Fred Schneider
Stuart Shapiro

Jonathan Smith
Bhavani Thurasingham
Lorenzo Valeri
David Wagner
Alec Yasinsac
Jessica Young
plus all members of USACM Council

1.2 Standing Committees
N/A

1.3 Ad Hoc Committees

- Big Data Working Group (Travis Breaux): This working group sought to develop a USACM position on big data in the form of a white paper. The key members included Travis Breaux, David Bruggeman and Lorraine Kisselburgh

2. PROJECT SUMMARY

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

Meetings

- NSTIC Identity Ecosystem Steering Group (IDESG) Inaugural Plenary Meeting, August 15-16.

- IDESG Second Plenary Meeting, October 29-30, via teleconference.

- IDESG Second Plenary Meeting (cont.), November 26-27.

- IDESG Working Group Meetings, via teleconferences and e-mail lists.

Comments

- Responded to CyberSecurity Executive Order, December 10.

- Responded to Request for Information, NIST, Dept. of Commerce CyberSecurity Framework, April 8

- Commented on Cyber Intelligence Sharing and Information Act (CISPA), April 8.

Policy Statements

- N/A

Sign-ons

- N/A

3. PLANS

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

- The Big Data Working Group was crafting a response to the security and privacy issues of "Big Data." The project was terminated due to focus and authorship constraints.

- The Committee is crafting a response to the Privacy and Civil Liberties Oversight Board.

- The Committee is revising and updating the USACM Intercept Statement.

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

- N/A

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

- Craft a Security policy statement similar to our Privacy policy statement in scope.

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.

4. COMMENTS

- N/A

Voting

Submitted by Jeremy Epstein, Chair

BASIC INFORMATION:

Members of the Committee:

Jeremy Barksdale
Lillie Coney
David Dill
William Edelstein
Dave Farber
Thomas Gideon
Juan Gilbert
Sarah Granger
Don Gotterbarn
Paul Jacobs
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

PROJECT SUMMARY

During the last fiscal year, the USACM Voting Committee engaged in the following principal activities;

Spring 2013:

In response to the creation of the Presidential Commission on Election Administration, the Voting Committee generated a letter to the commission outlining our perspective on voting technology and the need for additional scrutiny for the use of technology in voting systems. The letter was eventually approved by Council and sent to the Commission in advance of its first meeting in late June 2013.

The Presidential Commission appointed a group to provide advice to the Commission on technology issues. Of the 12 members of that group, seven are also USACM voting committee members: David Dill, Jeremy Epstein, Doug Jones, Peter Neumann, David Wagner, Dan Wallach, and Alec Yasinsac.

The committee discussed, but did not take action on, the emergency election procedures implemented in New Jersey following the Sandy storm, and a letter to encourage research on internet voting.

PLANS

To the surprise of some, voting technology was not a major factor coming out of the 2012 election season. While there were concerns related to voting, they focused more on aspects of election administration that aren't necessarily dependent on technology. As the Presidential Commission on Election Administration holds its meetings, its focus appears to be on election administration in a systemic fashion, of which technology plays just one part of many.

With 2014 being a federal election year, there may be additional attention on voting technology. However, with the lack of resources (and commissioners) provided to the federal commissions responsible for election administration, there may not be much technology-related activity in voting, outside of the Presidential Commission noted above.

Should this change, the committee stands ready to react consistent with our previous work in this area.

If there are to be major technology changes in voting, we anticipate it would be an increase in electronic delivery of registration forms and/or ballots. The interest in internet voting continues. As we noted last year, it may be time to update the survey of ACM membership on electronic voting.

We will continue to solicit members for USACM and the Voting Committee at workshops and other meetings where computer scientists interested in voting technology gather.

APPENDIX

LIST OF USACM MEMBERS DURING THE 2012-2013 FISCAL YEAR

Annie Antón
Marty Apple
Jeremy Barksdale

Ben Bederson
David Brandin
Travis Breaux
Chris Bronk
Eric Burger
Charles Brownstein
Jean Camp
Vint Cerf
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
Simson Garfinkel
Thomas Gideon
Juan Gilbert
Seymour Goodman
Dave Gordon
Don Gotterbarn
Sarah Granger
Andrew Grosso
Jeff Grove
Kat Hanna
Barb Helfer
Jim Hendler
Rebecca Herold
Harry Hochheiser
Lance Hoffman
Lee Hollaar

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
Sam Liles
Vincent Lipsio
Aaron Massey
Jeanna Matthews
Jonathan S. Miller
James Moody
Sam Morales
Peter G. Neumann
Andy Oram
Paul Otto
Garry Paxinos
Jon Peha
Mark Rasch
Alan Rea
Jennifer Rexford
Chris Roberts
David Robinson
Arnon Rosenthal
Marc Rotenberg
George Roussos
Anthony S. Ruocco
Pam Samuelson
Fred Schneider
Andrew Sears

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