



**Computer & Communications
Industry Association**
Tech Advocacy Since 1972

February 11, 2014

Re: CCIA Letter to Members of Congress on Government Surveillance Reform

Dear Representative,

As you may have seen, civil society groups and some companies have launched a campaign today against overreaching government surveillance. You will no doubt hear much about the important civil liberties impacts these programs have, but it is also important to consider the effects that these programs have on our international diplomatic efforts, particularly in the areas of trade and a free and open Internet. When I testified before the Senate Judiciary Committee on December 11, 2013, I highlighted these important issues. They are important enough to reiterate today for everyone in Congress.

Trust is at the foundation of the online marketplace today. The government itself has recognized this economic reality for over 15 years. In 1997, the Framework for Global Electronic Commerce referenced that importance by saying “[i]f Internet users do not have confidence that their communications and data are safe from unauthorized access or modification, they will be unlikely to use the Internet on a routine basis for commerce.” That statement is only more true today.

That trust underpins a global marketplace in which the United States has been a trailblazer. A recent comprehensive report from the U.S. International Trade Commission (ITC) noted, “digital trade continues to grow both in the U.S. economy and globally” and that a “further increase in digital trade is probable, with the U.S. in the lead.” In fact, the report also shows, U.S. digital exports have exceeded imports and that surplus has continually widened since 2007.

The plain fact of the matter is that the NSA’s programs have harmed that trust. We have seen the effects both here in the U.S. and around the world in both public rhetoric and the bottom line. Contracts, particularly at the enterprise and government levels, are being cancelled and there are calls to somehow limit the amount of information sent to companies within the U.S. The European Union is even seriously reconsidering the EU - U.S. Safe Harbor Agreement that permits U.S. companies to collect information about European citizens in the normal course of business. All of these efforts have an obvious effect on commerce in a sector of the U.S. economy that has shown some of the best performance in the recent economically difficult times.



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Our government's worthy efforts to maintain an open Internet have also felt the effects of these programs. Even before the revelations in the Guardian, Washington Post, and other papers this past summer, the open Internet was in trouble. Most people associate the World Conference on International Telecommunications (WCIT) treaty conference of 2012 with the first attempts to wrest control of the Internet away from the bottom-up multi-stakeholder organizations that have kept it running for years, but the efforts go back even further. Numerous governments – both well-meaning and repressive – have long believed that all Internet problems could be solved, if only they were in charge.

These efforts have escalated since this summer's revelations. The U.S. government position of supporting the multi-stakeholder model of Internet governance has been compromised. We have heard increased calls for the ITU or the United Nations in general to seize Internet governance functions from organizations that are perceived to be too closely associated with the U.S. government, such as the Internet Corporation for Assigned Names and Numbers (ICANN). This is unfortunate because ICANN is one of the best examples of an independent multi-stakeholder organization. Furthermore, the Internet governance regime that ICANN has cultivated has subjugated political concerns to economic and technical decisions, which, in turn, has allowed the Internet to grow from an obscure medium largely known only to Western academics 20 years ago, to a global tool utilized by nearly 3 billion people today. ICANN and the other multistakeholder governance groups have therefore all moved themselves further away from affiliation with U.S. government.

There is much that we can do to make sure that the NSA's programs are effective but tailored to have the minimum impact on civil liberties and global commerce. Our economic future depends in large measure on arcane but critical Internet governance issues and reform of surveillance practices. Representative Sensenbrenner and Senator Leahy have already begun this work with the introduction of the USA FREEDOM Act. CCIA supports this bipartisan, bicameral legislation and I urge you to look closely at doing the same. My staff and I are always available to answer any questions you might have about the impacts, both economic and otherwise, of government surveillance programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Black". The signature is fluid and cursive, with a large, sweeping "E" and "B".

Ed Black
CEO & President
Computer and Communications Industry Association