

Congress of the United States
Washington, DC 20515

September 30, 2015

Dr. Ralph Cicerone
President
National Academy of Sciences

Dear Dr. Cicerone:

We write to respectfully request the National Academy of Sciences undertake a renewed study of cryptographic policy and the implications of the broad adoption of strong encryption for messaging and disk encryption. Such a study, building on work the Academy has previously done, would be of great use to policymakers in Congress and the Administration who are wrestling with technically and legally complex issues arising from encryption which have substantial implications for privacy, security, and the U.S. economy.

In 1993, Congress tasked the Academy to study the effect of cryptographic technologies on national security, law enforcement, consumers, and the commercial interests of the United States. The resulting report entitled "*Cryptography's Role in Securing the Information Society*," helped to inform this debate and set U.S. policy towards encryption for decades to come.

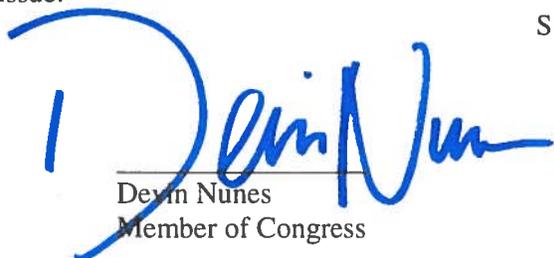
Twenty years later, there is once again an active discussion about the national security and law enforcement implications of widely available and used strong encryption. Though no specific legislative solution has been proposed, many law enforcement officials, including FBI Director James Comey, have suggested technology providers should maintain access for valid law enforcement and national security purposes in response to legal process. In response, privacy advocates and major technology companies have expressed vocal opposition to the concept of enabling exceptional access into encrypted devices and communications for law enforcement and national security purposes, even subject to legal process.

In light of the renewed debate, and its implications for security, privacy, and the economy, we respectfully request that the Academy undertake a new study of encryption, updating its previous inquiry to account for developments in information technology over the past two decades. Among the questions that the Academy's expertise could help policymakers evaluate include:

- How has encryption developed since the Academy's previous report?
- What has led to the broad adoption of strong encryption, and what are the benefits and costs of this trend?
- Is it possible to design a secure system that provides access to encrypted data for law enforcement and national security when needed? How might such a system be designed?
- What are the attendant risks of enabling law enforcement access? How might those risks be mitigated?
- What are the trends and policies regarding encryption in other nations around the world, and how should those inform the policy debate in the United States?
- Are there potential solutions to the problems posed by encryption for law enforcement and national security that have not been considered by policymakers?

We believe the Academy's status as an expert, non-governmental entity places it in a unique position to inform this timely and important debate. We appreciate your consideration of this request and look forward to working with you on this important issue.

Sincerely,


Devin Nunes
Member of Congress


Adam B. Schiff
Member of Congress