

Cybersecurity Information Sharing Act (CISA, S. 754) Amendment Analysis

Sponsor	Amendment No.	Issue	Summary	OTI Position
Cotton	2581	Operation: Sharing	Incentivizes direct sharing with FBI by extending liability protections: -Reduces operational effectiveness; it undermines DHS's situational awareness -Harms privacy and civil liberties because FBI is not subject to privacy guidelines	Strongly Oppose
Burr/ Feinstein	Manager's Amendment	Operation: Sharing Privacy and Civil Liberties: Government Uses Cybersecurity: Defensive Measures Oversight: Transparency	Sharing Authorization: Improves an operational and privacy concern by only allowing sharing for cybersecurity purposes; permits delayed intra-governmental dissemination upon unanimous consent of appropriate agencies. -Does not address many outstanding operational and privacy issues Law Enforcement Uses: Removes authorization to use information in investigations into 18 USC 3559 violent felonies -Law enforcement would still be authorized to use information for many investigations unrelated to cyber threats Resolves concern that defensive measures would undermine cybersecurity by authorizing companies to violate the federal anti-hacking statute FOIA: Removes the new and unnecessary (b)(10) FOIA exemption	Oppose, though it does improve upon the original bill
Franken	2612	Operation and Privacy: Definitions	Clarifies definition of Cybersecurity Threat: -Increases operational effectiveness and reduces sharing of information on false positives by ensuring companies only share information about events that are reasonably likely to result in harm Clarifies definition of Cyber Threat Indicator: -Ensures that more of the information shared is actionable by reducing sharing of unnecessary user content and PII	Strongly Support
Wyden	2621	Operation and Privacy: Protection of PII	Significant operational and privacy improvement - requirement to remove PII: -Protects PII by requiring as much of it as is feasible be removed unless it's necessary to describe or identify a threat -Would significantly increase how actionable the shared threat data is since PII is not actionable for security experts	Strongly Support
Heller	2548	Operation and Privacy: Protection of PII	Minimal improvement: Requirement to remove PII: -Requires PII removal if there is reasonable belief it isn't directly related to threat -Does not establish standard for efficacy of review for PII -Would still allow sharing of unnecessary victim information and other PII	Neutral
Coons	2552	Privacy: Second PII Scrub	Ensures DHS can remove unnecessary PII before disseminating indicators throughout government, and establishes standard for stripping PII: -Incomplete fix because it does not require companies to share through DHS	Strongly Support
Flake/ Franken	2582	Oversight: Sunset	Establishes a six year sunset: -Improves oversight by ensuring Congress reviews effectiveness of authorities -Preserves liability protection for actions taken during authorization period	Strongly Support
Leahy	2587	Oversight: FOIA	Removes unnecessary de facto FOIA exemptions of all information shared: -Most information would already be protected under standing FOIA exemptions	Support
Paul	2564	Business Rights: Contracts	Protects the right to contract by ensuring liability protections don't override user agreements	Support