



Oct. 22, 2015

RE: Vote NO on the motion for cloture for S. 754, the Cybersecurity Information Sharing Act of 2015

Dear Senator,

We write to urge you to vote NO on S. 754, the Cybersecurity Information Sharing Act of 2015 ("CISA"). CISA would expand warrantless government surveillance and harm the privacy rights of all Americans. While the manager's amendment made some improvements to the bill, significant concerns remain. These include:

- Allowing sensitive personal information—with no connection to a cyber threat—to flow to the National Security Agency and other military and intelligence agencies, which can then use it for purposes well beyond cybersecurity, including surveillance and to investigate members of the press under the Espionage Act.
- Granting private companies broad immunity from legal liability when they share private customer information under the auspices of "cybersecurity" without adequate protections to ensure they remove personally identifiable information.

Furthermore, because CISA would result in government agencies receiving and storing a large amount of sensitive personal information, it puts Americans at even greater risk online by making the U.S. government an even more desirable target for hackers and foreign spies. Technologists have roundly criticized CISA for this reason.¹

CISA is a surveillance bill that harms privacy and security. **We urge you to vote NO on the cloture motion for CISA and on the underlying bill if cloture is invoked.**

Please call Legislative Counsel/Policy Advisor Gabe Rottman with any questions at (202) 675-2325 or email at grottman@aclu.org.

Best Regards,

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¹ Letter from Technologists to Sen. Feinstein, Sen. Burr, Rep. Schiff, Rep. Nunez, and Rep. McCaul. (April 16, 2015), available at, http://cyberlaw.stanford.edu/files/blogs/technologists_info_sharing_bills_letter_w_exhibit.pdf.

ACLU Vote Recommendation for S. 754, the Cybersecurity Information Sharing Act of 2015

The American Civil Liberties Union recommends a NO vote on the motion for cloture for S. 754, the Cybersecurity Information Sharing Act of 2015.

Under CISA, a company will be able to share “cyber threat indicators,” a term broadly defined to include private information and communications, with the government. The sharing would be exempt from all privacy laws, including laws requiring warrants for the production of electronic communications, and companies would enjoy broad legal immunity when sharing private information even when it has nothing to do with a cyber threat.

Information shared by companies would be automatically forwarded to the FBI and NSA for use in prosecutions and investigations unrelated to cybersecurity (unless the entity consents to a delay in sharing, which is unlikely).

- Information received by the government could be used in investigations and prosecutions of crimes having nothing to do with cybersecurity, including Espionage Act investigations, which have repeatedly targeted whistleblowers and investigative journalists.

CISA is a surveillance bill. Its provisions would make it easier for the government to obtain, retain and use personal information and private communications for purposes that go well beyond cybersecurity without any of the standards or safeguards typically required under the Constitution. Furthermore, CISA would put consumers’ data at more risk by creating an even greater incentive for hackers to target federal agencies. We urge the Senate to vote NO on the cloture motion for S. 754 and on the underlying bill if cloture is invoked.

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