

We, the undersigned civil liberties and privacy groups, and security experts, write in opposition to the proposed amendment (No. 2626) from Senator Whitehouse to the Cybersecurity Information Sharing Act (“CISA”) that would expand the Computer Fraud and Abuse Act (“CFAA”).

Amendment No. 2626 would alter the CFAA in dangerous and unpredictable ways.

First, the amendment would expand the existing prohibition in the CFAA against selling passwords to any “means of access” without clarifying how the law applies to legitimate computer security research, such as paid researchers who identify and disclose software vulnerabilities. Second, the amendment includes a requirement that empowers government to obtain injunctions that can force companies to hack computer users for a wide range of activity unrelated to botnets, though the provision is ostensibly directed at stopping botnets. Third, the amendment would create a broad new criminal violation for damaging critical infrastructure, which is already illegal under the CFAA.

The Whitehouse amendment fails to address ambiguity in current law that has led to the use of the CFAA to prosecute valuable security research, levy disproportionate penalties, and criminalize ordinary Internet activity. We are united in our view that, at the very least, any amendment to the CFAA be subject to full and open debate and must not be tacked on to CISA, itself a highly controversial and complex piece of legislation.

The amendment would exacerbate existing problems with the CFAA and enable prosecution of behaviors that are not malicious computer trespasses or hacking, which was the original and appropriate target of the CFAA. Worse, these changes are being rushed through Congress without adequate debate over the far-reaching effects of its provisions.

Accordingly, we urge you to oppose Amendment No. 2626 to CISA. Please do not hesitate to contact Gabe Rottman, legislative counsel with the American Civil Liberties Union, at 202-675-2325 or [grottman@aclu.org](mailto:grottman@aclu.org), with any questions or comments.

Sincerely,

### **Organizations**

Advocacy for Principled Action in Government  
American-Arab Anti-Discrimination Committee  
American Civil Liberties Union  
American Library Association  
Bill of Rights Defense Committee  
Center for Democracy and Technology  
Constitutional Alliance  
Copia Institute  
Cyber Privacy Project  
Defending Dissent Foundation  
Demand Progress  
Electronic Frontier Foundation  
Fight for the Future  
Free Press Action Fund  
Government Accountability Project

National Association of Criminal Defense Lawyers  
New America's Open Technology Institute  
Niskanen Center  
R Street  
Restore the Fourth

### **Security Experts**

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Joe Grand, Product Designer, Security Researcher, Teacher, Grand Idea Studio, Inc.  
Carl Hewitt, Board Chair Standard IoT  
Frederic Jacobs, Security Researcher, Swiss Institute of Technology (EPFL), Open Whisper Systems  
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Robert J. Lupo, Security Architect, IBM Inc.  
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