



# CYBER ALERT

A Publication of the Security Incident Management & Response Team

## **Chairman Rogers and Ranking Member Ruppertsberger Reintroduce Cyber Intelligence Sharing and Protection Act (CISPA)**

*By Jeff Sural and Paul Martino*

On February 13, 2013, Chairman of the House Permanent Select Committee on Intelligence Mike Rogers (R-MI) and the Committee's Ranking Member Dutch Ruppertsberger (D-MD) introduced their cybersecurity bill, H.R. 624, the "Cyber Intelligence Sharing and Protection Act." The bill is identical to the amended version of their legislation from last Congress, H.R. 3523, which passed the House of Representatives by a margin of 248-168 on April 26, 2012.

On the bill's re-introduction, business groups, including the U.S. Chamber of Commerce, publicly expressed support. Preferred by the business community, the Rogers-Ruppertsberger bill, also referred to as CISPA, focuses on the sharing of cyber threat information among private sector entities and between the private sector and government.

Specifically, the legislation focuses on information-sharing by:

- facilitating the transmission of classified cyber threat information to the private sector;
- enabling private companies to share cyber threat information with others in the private sector and enabling the private sector to share information with the government on a purely voluntary basis; and
- providing liability protection for companies acting in good faith to protect their own networks or share threat information.

The legislation directs the intelligence community to develop a manner of sharing classified cyber threat "signatures" with Internet service providers and other private sector companies. By voluntarily sharing these threat signatures with the government, private companies would receive liability protection from any lawsuits that could otherwise arise from transmitting proprietary data.

As drafted, CISPA would cover a critical component of federal cybersecurity regulation that cannot be achieved by a presidential executive order alone, which is the provision of liability protections that are necessary to provide sufficient incentives for private sector businesses to participate in a voluntary information-sharing framework. As stated in the House Intelligence Committee's [general backgrounder](#) to CISPA, "Too often, companies that would like to share cyber threat information with other parts of the



private sector are prevented or deterred from doing so by a range of policy and legal barriers.” The bill purports to address those issues, in part, through its liability protections.

CISPA also includes protections for individually identifiable information, a five-year sunset provision and requirements for unclassified reports to Congress. Privacy and civil liberty groups continue to voice concerns with the legislation. At a February 14 [hearing](#) highlighting cyber threats (“Advanced Cyber Threats Facing Our Nation”), which featured representatives from the financial services and energy industries, Chairman Rogers and Ranking Member Ruppertsberger emphasized the bill’s provisions safeguarding privacy.

## Outlook

Passage of CISPA by the House looks highly likely given that the bill’s predecessor passed the House by a large margin. However, the Senate declined to consider the bill last Congress, preferring an original Senate bill sponsored by Senator Joe Lieberman (D-CT) that mandated information-sharing. Last year, President Barack Obama also issued a threat to veto CISPA if it passed the Senate. These factors contributed to the Senate failing to act on CISPA.

Senator Lieberman has since retired and the White House has issued its own Executive Order on cybersecurity, which we covered in a previous [cyber alert](#). While it remains to be seen, CISPA may have better odds of Senate consideration this Congress than last due to the different political landscape and increasing concerns voiced by industry that a voluntary information-sharing system is needed to help businesses ward off cyber-attacks.

Alston & Bird has a team of lawyers and public policy experts who have been and will continue to follow developments with CISPA and other cybersecurity legislation as it is introduced this Congress. Please feel free to contact any of the lawyers identified below if you have any questions about this legislation.

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