

Cybersecurity Act of 2015

- Provides liability protection, anti-trust exceptions, and FOIA exemptions to encourage private entities to voluntarily share information with each other and the government. Liability protection does not extend to use of defensive measures.
- Voluntary by nature--does not create duty to share info with federal or non-federal entities, and assigns no liability for non-participation.
- Authorizes non-federal entities to monitor, share, and receive cyber threat information for cyber purposes, and authorizes use of defensive measures under certain circumstances.
- Information provided to the federal government may be used for certain law enforcement purposes, but not to regulate lawful activity (incl. enforcement activities).
- Requires PII scrub of info 'known at the time of sharing' to be "not directly related" to a cyber threat, or configure a technical capability to automatically remove such info. Applies to both public and private entities.
- Establishes DHS portal (housed under NCCIC).

Data Breach Legislation

- Major issues: state preemption, knowledge / exploitability standard, consumer harm, cybersecurity requirements, third-party service providers.
- Interest groups split—financial industry favors Neugebauer/Carney, retail industry favors Langevin, consumer/digital rights groups favor Cicilline.
- Financial Services Committee will likely work with Energy & Commerce Committee to combine bills and achieve added industry consensus.

Bill	Sponsor	Summary	Major Differences	Status
Consumer Privacy Protection Act (H.R.2977)	Rep. Cicilline (D-RI)	Prevent and mitigate identity theft and ensure security of sensitive personal information by establishing baseline data breach standards and security controls.	No preemption for stricter state laws. Broadest definition of private information (“dignity harm”). Civil penalties for non-compliance.	7/29/15 Referred to Homeland Security Committee.
Data Security Act (H.R. 2205)	Rep. Neugebauer (R-TX) and Rep. Carney (D-DE)	Establishes minimum standard for data security and breach notification, and directs covered entities to develop information security plan.	Focused on preventing financial harm/identity theft. Includes 3 rd party security requirements. Notification only after company confirms that hackers acquired sensitive personal information.	12/9/15 Passed Financial Services Committee, 46-9.
Personal Data Notification and Protection Act (H.R. 1704)	Rep. Langevin (D-RI)	Establishes national data breach notification standard. Requires customer notification within 30 days. Establishes DHS office to accept data breach notifications and share w/ federal law enforcement under certain circumstances.	No creation of federal data security standard for private companies. Requires notification of major media outlets and consumer reporting agencies under certain circumstances.	4/29/15 Referred to Energy & Commerce and Judiciary Committees.

Cybersecurity Issues In 2016



EXECUTIVE BRANCH

- MONITORING OF U.S.-CHINA CYBER AGREEMENT; OFAC IMPLEMENTATION OF SANCTIONS (EO 13694) AGAINST MALICIOUS FOREIGN CYBER ACTIVITY
- POLICY REPERCUSSIONS FROM RUSSIAN CYBER ATTACK ON UKRAINE POWER GRID
- ENCRYPTION DEBATES
- WASSENAAR EXPORT CONTROLS ON INTRUSION DETECTION AND CYBER SURVEILLANCE SOFTWARE
- INTERNATIONAL CYBER NORMS
- NIST CYBER FRAMEWORK UPDATE, INTERNATIONAL STRATEGY, AND CYBER-PHYSICAL SYSTEMS WORKSHOPS; OPPORTUNITY TO PARTICIPATE/REFINE
- IMPLEMENTATION PROCESS AND POLITICS OF EU NIS DIRECTIVE
- OMB/DOD ACQUISITION GUIDANCE FOR CYBER INCIDENT REPORTING AND SECURITY CONTROLS REQUIREMENTS
- OPERATIONALIZATION OF DHS EINSTEIN 3
- VULNERABILITY DISCLOSURE COORDINATION PROTOCOLS BETWEEN INDUSTRY AND GOVERNMENT (NTIA LEAD)
- FINANCIAL SECTOR DEVELOPMENTS IN FFIEC REGULATORY UNIFORMITY/RATIONALIZATION
- INCREASED ENFORCEMENT AND SECURITY GUIDANCE FROM AGENCIES SUCH AS *FTC*, *FCC*, *SEC*
- CYBERSECURITY R&D PRIORITIES COORDINATION AND GRANT FUNDING

CONGRESSIONAL

- DATA BREACH NOTIFICATION LEGISLATION – STATE PREEMPTION, AND CYBER CONTROL REQUIREMENTS OR NOT
- APPROPRIATIONS/PROGRAM AND POLICY RIDERS
- *HEARINGS ON:*
 - ENCRYPTION
 - OVERSIGHT OF IMPLEMENTATION OF CISA DATA MINIMIZATION AND OTHER REQUIREMENTS
 - DHS CYBER STRATEGY
 - CYBER INSURANCE
 - INTERNET OF THINGS