

## AICOA'S THIRD ITERATION STILL DOES NOT ADDRESS THE BILL'S UNDERLYING CYBERSECURITY CONCERNS

This revised legislation concedes all of the bill's problems but solves none of them. The bill still fails to address the deep concerns raised by senators on both sides of the aisle during January's markup. Despite promises to senators to improve the legislation, it continues to pose a danger to Americans' cybersecurity.

### Senators voiced their concerns about AICOA and cybersecurity in January:

#### **Sen. John Cornyn (R-TX)**

"I think we've all learned that unvetted access to data, hardware, and services raises cybersecurity concerns. Not every potential user that does want to interoperate with a platform will have the level of cybersecurity that Americans deserve. The Federal Bureau of Investigation, National Security Agency, and Cybersecurity and Infrastructure Security Agency at the Department of Homeland Security have issued a joint threat alert warning that Chinese state-sponsored cyber actors target the United States repeatedly—I think that's common knowledge. This bill would make those targets more vulnerable."

#### **Sen. Dianne Feinstein (D-CA)**

"This bill would actually prevent companies [like Apple] from taking steps to ensure that an application is safe before you download it from your phone. We're requiring companies to take down protections that are in place today and instead allowing hackers, and those looking to steal, to access devices."

### Does the third draft of the bill manager's amendment address any of these concerns?

**No.** As in the previous draft, the bill states that covered platforms can refuse to interoperate or share data with entities that are on sanctions lists or present national security threats. But not all dangerous actors are on sanctions lists, especially foreign adversary-designed apps seeking to collect data on Americans, fraudsters, and counterfeiters. The bill thus indicates that covered platforms could not cut off suspected or even known bad actors unless those bad actors have been sanctioned by the U.S. national security apparatus.

See more here.