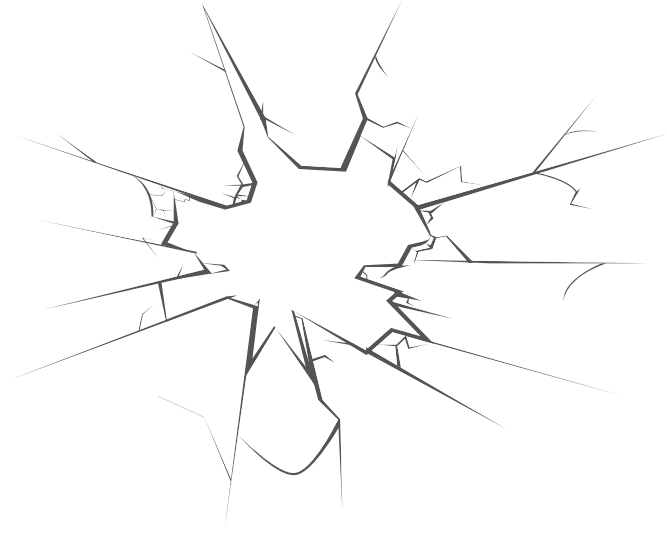


Senator Ossoff, Experts:

AICOA RAISES SERIOUS CYBERSECURITY CONCERNS

(S. 2992 AND H.R. 3816)



Senators Klobuchar, Grassley, and other cosponsors recently introduced S. 2992, "The American Innovation and Choice Online Act" (AICOA) to the Senate Judiciary Committee for markup.

Senator Ossoff expressed strong concerns:

"Striking the appropriate balance between privacy and cybersecurity in this legislation is important."

"I share Senator Lee's broader concern. And I think that what the Committee is doing right now is trying to find the appropriate balance between security and privacy - which are vital to all of us who believe that this sector demands more regulation - and the competition concerns addressed by the underlying bill."

Experts agree:

Morgan Reed
The App Association

"Instead of cracking down on privacy and security abuses, S. 2992 would force app stores to allow fraudsters, copyright thieves, and malware to be fixtures in the marketplace. The bill doesn't stop there, however, as it would also require platforms to allow any app—including malicious apps intended to cause harm — unfettered access to consumers' personal information."

"If platforms cannot remove bad actors without fear this action could lead to antitrust violations, app stores take on a fundamentally different character, where the consumer is left to their own privacy and security protection skills. Small companies receive the short end of this particular stick, as the prohibitions would force them to cede hard-won success to larger brands that can convince people through name recognition and Super Bowl ads that they have overcome the costs and challenges of a threat-ridden marketplace."

Arthur Sidney

Computer & Communications Industry Association

"Congress should engage its national security committees to solicit briefings and technical assistance from U.S. intelligence, counterintelligence, and foreign policy agencies to evaluate the risks before proceeding to approve these bills targeting the U.S. tech sector."

"It is ironic that earlier this year, the Senate passed legislation to bolster U.S. competitiveness and innovation in the tech domain vis-a-vis China and other foreign competitors and only a few months later, Congress is attempting to dismantle and chill innovation with these newly introduced bills, which themselves are not antitrust bills but instead amount to government-mandated industrial policy."

Tatyana Bolton and Brandon Pugh

R Street Institute

"On the whole, it is difficult for security experts to encourage resilience and diligence for platforms and networks along with the uptake of strong cybersecurity practices. It is even harder to convince businesses that cyber risk is a business risk, or encourage them to develop products with security in mind. While this is not a strict cybersecurity bill, it adds obstacles and restrains the application of security safeguards by platforms, which creates adverse incentives."

"This bill would punish companies with a business model that focuses on security. From a policy perspective, we should encourage—not discourage—more companies to include more stringent security for all products, especially software that is sold at scale to millions of users. Forced interoperability, narrow requirements and obstacles for security updates through requirements for affirmative defense, as well as patchy security exclusions, create a recipe for weaker cybersecurity and should be reconsidered, amended or removed before any further movement on this legislation."