

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Good Faith Amendments Improve CISPA, But Fundamental Changes Still Necessary to Earn TCP Support

WASHINGTON, D.C. -- The Constitution Project appreciates the efforts of the House Intelligence Committee to continue working with us to address our concerns about the need for robust civil liberties safeguards in the Cyber Intelligence Sharing and Protection Act (CISPA), HR 3523. We believe those conversations have been productive, and we welcome the changes that the Committee has made in the past weeks, including the introduction yesterday of amendments supported by the Chair and Ranking Member of HPSCI moving the bill in the right direction. Among other changes, the amendments supported by Chairman Rogers and Ranking Member Ruppertsberger would make the following improvements:

- narrow the scope of "cyber threat information" that may be shared with the government;
- limit how the government may use such information once it is received; and
- prohibit the use or retention of information shared by private companies other than for the explicit purposes set forth in the bill.

However, even with these positive changes, CISPA will continue to pose fundamental threats to civil liberties that must be addressed by further amendments. In particular, we will be urging support for further amendments on the House floor on the following four critical issues:

- To ensure that civilian agencies, and not components of the Defense Department like the NSA, are the recipients of cyber threat information submitted to the government by private companies;
- To require that before they share private data with the government, companies make "reasonable efforts" to remove information that can be used to identify specific individuals;
- To require the government to develop policies and procedures to minimize the impact of the program on privacy and civil liberties; and
- To prohibit the government from using the private information shared with it for national security purposes unrelated to cybersecurity, and thereby ensure that this program does not become a broad information collection tool for the government.

Based upon the good faith efforts of Chairman Rogers and Ranking Member Ruppertsberger resulting in the inclusion of the HPSCI-supported amendments, and based on the understanding that Members of the House will have an opportunity to vote on further amendments to address our remaining civil liberties concerns, TCP will not actively oppose the process as the bill moves

forward through the House. However, The Constitution Project cannot support CISPA without enactment of further changes in the legislation to resolve these four fundamental issues, and we will be urging Members of the House to support additional critical amendments on the floor to address these remaining civil liberties threats that are not addressed by the HPSCI-supported amendments. We will also continue to focus on expanding civil liberties and privacy protection as the debate moves to the Senate.

[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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