Key Flaws Remain in CISPA - Amendments Needed

by Greg Nojeim [1]
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The House Intelligence Committee has agreed to support certain amendments that will improve CISPA in terms of privacy and civil liberties. However, the Committee-supported amendments leave two key issues unresolved - the flow of information to the super-secret National Security Agency and the broad purposes for which that information can be used.

CDT supports the Committee-agreed amendments. We also support and are urging all Members to vote 'yes' on amendments on the role of NSA and the use of information for non-cybersecurity purposes. In order for civil liberties to be adequately protected, the Rules Committee must make these amendments in order under the Rule - that is, they must be permitted to be offered for a vote when the full House takes up the bill. Then, the amendments need a 'yes' vote.

Here's a brief rundown. Watch our blog for updates.

One of the most important Committee amendments narrows the definition of the information that can be shared. This is known as "Goodlatte #39 [2]." This is a must-pass amendment.

The two biggest problems CDT still sees with the bill, that are so far left unaddressed, are (i) that companies can share directly with NSA, and (ii) NSA and other agencies can use the information shared for national security reasons.

Two amendments would fix the "share to NSA" problem:

Thompson #21 [3]

Schakowsky #19 [4]

An amendment offered by Rep. Lofgren would fix the "use for national security" problem:

Lofgren #25 [5] - permits use only for cyber and when there is probable cause of a violation of a Wiretap Act predicate

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