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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
H.R. 3523, " The Cyberintelligence Sharing and
Protection Act (CISPA)



April 25, 2012

REQUIRES COORDINATION BETWEEN DNI AND DHS WHEN
SHARING WITH OVERSEAS AFFILIATES.

Amendment 17 (Jackso_372)

Talking Points

My amendment requires coordination between Director of National Intelligence and the Secretary of Homeland Security when sharing information with the overseas affiliates of private entities.

- I appreciate the work done on the Cyber Intelligence Sharing and Protection Act, better known as CISPA. This legislation done by my colleagues, the Chairman Mr. Thompson and the Ranking Member, Mr. Ruppersberger, seeks to perform a very difficult task— that is striking the right balance between defending our cyber intelligence and architecture and preserving time-honored civil liberties.
- My amendment seeks to promote enhanced protection and counsel the companies and government intelligence officials sharing information with overseas affiliates. It is not uncommon for a company to be based in the United States but have subsidiaries, affiliates, joint ventures, and other business arrangements—all sharing information.

- My amendment requires coordination between the relevant agencies when working across this vast sphere of information, much of which is crossing international borders in a nanosecond.
- Even with the amendments accepted by the Intelligence Committee at markup, and the amendments now being considered here this afternoon, CISPA, without very dedicated rulemaking and pinpoint regulations is the kind of legislation which opens up a new frontier in our intelligence operations, and as a practical matter, even its most ardent supporters really don't know how it will play out in practice.
- The Cyber Intelligence Sharing and Protection Act would create a cybersecurity exception to all privacy laws and allow companies to share the private and personal data they hold on their American customers with the government for cybersecurity purposes.

- The bill would not limit the companies to sharing only technical, non-personal data. Instead, it would give the companies discretion to decide the type and amount of information to turn over to the government, and permit them to share the information with the government agency of their choice, including military agencies like the National Security Agency.
- These entities would receive liability protection under CISPA and would be immune from criminal or civil liability, even after an egregious breach of privacy. Further, once an individual's information is shared with the government, there would be little restriction on the use of that information. It could be used for any purpose whatsoever as long as a significant purpose relates to cybersecurity or protection of national security.
- Beyond the potential for massive data collection authorization, the bill would provide little meaningful oversight of, or accountability for, the use of these new information-sharing authorities. No

federal agency or official has been tasked with issuing explicit guidance to companies and government agencies as to how best protect privacy, and there are no consequences for violating the limited restrictions currently in the bill.

- While the bill now contains important language requiring an annual audit by the Intelligence Inspector General, the oversight provisions in total are not robust enough to balance out the extraordinary potential for abuse under this new program.
- Writing a statute to govern the sharing of cybersecurity information is a complex and challenging task. But any new programs simply must respect privacy, and the three other information sharing proposals in the House and Senate, authored by both Democrats and Republicans, offer more protections for Americans' rights than CISPA. Even the current information sharing program run by the Department of Homeland Security includes more explicit and rigorous protections, making CISPA a

step backwards from current practice. The House can borrow from any one of these programs or bills in building a program that better respects privacy.

- In lieu of that and with passage of this bill seemingly amendment, I offer an amendment to strengthen this legislation.

Support the Jackson Lee amendment.