27 Privacy Improvements: The Cyber Information Sharing and Protection Act (CISPA)

Fall 2011   HPSCI meetings and discussions with several privacy and civil liberties groups to hear their concerns, discuss cyber security legislation.

Nov 30, 2011   CISPA introduced.

Dec 1, 2011   CISPA passes Committee with a 17-1 vote; two privacy amendments are approved.

1. Chairman Rogers and Ranking Member Ruppersberger put several restrictions on the government's use of the threat information it receives from the private sector, ensures the voluntary nature of the sharing from the private sector and prohibits the government from tasking the private sector to provide information.
2. Rep. Thompson amendment requires the Intelligence Community's Inspector General to review the sharing program and provide an annual report to Congress.

Dec '11 – April '12 HPSCI meetings and discussions continue with several privacy and civil liberties groups to hear their concerns, discuss their suggestions for improvements to the bill.

April 19, 2012   Rules Committee print incorporates two new privacy provisions.

1. Makes the government liable for damages, costs and fees if it violates CISPA's use or protection requirements.
2. Adds prohibitions on any additional authorities for DoD and other intelligence community members regarding cybersecurity efforts beyond CISPA's provisions.

April 26, 2012   CISPA passes the House of Representatives with a strong bipartisan majority of 248-168; 10 privacy amendments are approved from the meetings with privacy and civil liberties groups.

1. Rep. Pompeo amendment to clarify that the bill's liability protection for information sharing extends only to cyber threat information identified and obtained under the bill's authorities.
2. Rogers (MI) amendment to clarify that regulatory information already required to be provided remains obtainable under the Freedom of Information Act.
3. Rep. Quayle amendment to limit use of cyber threat information to only five purposes.
4. Rep. Amash amendment to prohibit the government from using library and book records, information on gun sales, tax records, education records and medical records that it receives from private entities under CISPA.
5. Rep. Mulvaney amendment to provide authority to the government to create procedures to protect privacy and civil liberties and limited the government's retention of information.
6. Rep. Flake amendment to include a list of all federal agencies receiving information shared with the government in the Inspector General's report.

7. Rep. Pompeo amendment to clarify that the bill creates no new authorities to install, employ or use cybersecurity systems on private sector networks.
8. Rep. Woodall amendment to ensure that those who chose not to participate in the voluntary sharing program are not subject to new liabilities.
9. Rep. Goodlatte amendment to narrow definitions in the bill regarding what information may be identified, obtained and shared.
10. Rep. Mulvaney amendment to create a five year sunset of the bill.

January 1, 2013   112th Congress adjourns.

Jan - April 2013   HPSCI meetings and discussions continue with several privacy and civil liberties.

Feb 13, 2013   CISPA is re-introduced as passed the full House of Representatives in April 2012.

April 10, 2013   CISPA passes Committee with an 18-2 vote; five privacy amendments are approved.

1. Rep. Langevin amendment to make clear there is no new authority to allow companies to "hack back" against their attackers.
2. Rep. Heck and Rep. Himes amendment to limit the use of information received by the private sector to only cyber security information.
3. Rep. Himes amendment to minimize and remove any personally identifiable information obtained from the private sector not critical to the cyber threat.
4. Rep. Sewell amendment to strike the government's national security use provision, leaving four permissible government uses: cybersecurity, cybersecurity crimes, protection from the danger of death or serious bodily harm, and protection of minors from child pornography.
5. Rep. Thompson amendment to add roles for the Privacy and Civil Liberties Board (PCLOB) and the individual agency privacy officers to provide additional oversight of the government's use of information received from the private sector under this bill.

April 18, 2013   CISPA passes the House with veto-proof majority of 288-127; 8 privacy amendments pass.

1. Rep. Rogers Manager amendment to correct a clerical error and ensures that the Federal Government may not use certain records containing personally identifiable information.
2. Rep. Connolly amendment to clarify that classified intelligence shared by the government with a certified cybersecurity entity may only be used for cybersecurity purposes.
3. Rep. Sinema amendment to add a role for DHS IG to the bill's annual IG report requirement. Also adds House/Senate Homeland Security Committees as recipients of the report
4. Rep. Sanchez amendment to add a role for the DHS Privacy Officer and DHS Officer for Civil Rights and Civil Liberties to the bill's annual Privacy and Civil Liberties Officers report.
5. Rep. LaMalfa amendment to clarify that nothing in the bill authorizes DoD, NSA or other IC elements to target a U.S. person for surveillance.
6. Rep. Barton amendment to clarify that nothing in this bill authorizes companies receiving cyber threat information to sell personal information of a consumer for marketing purposes.
7. Rep. Jackson Lee amendment to clarify that nothing in this bill gives the government authority to require a cybersecurity provider with a government contract to provide information about cyber incidents that do not pose a threat to government information.
8. McCaul/Thompson (MS)/Rogers/Ruppersberger amendment to require a DHS office to serve as the civilian agency recipient for cyber threat information and Department of Justice office to be the civilian recipient for cyber threat information related to cybersecurity crimes.