

Dear Colleague,

We wanted to bring to your attention a new information-sharing bill reportedly included in the omnibus that has been negotiated behind closed doors by just a handful of members. According to media reports, this new language strips even the meager privacy protections included in legislation that passed the House earlier this year.

Legislation encouraging cybersecurity information sharing between industry and government is complicated and will have hugely negative ramifications on user privacy if done improperly. The House passed two bills on this very subject with widely different levels of protection for Americans' privacy, with many members concerned that neither bill offered sufficient protections. The Senate passed their own version, which was panned by civil liberties groups like the ACLU and FreedomWorks, as well as by major tech companies including Apple and Twitter.

Reports indicate a new bill is being negotiated by just a handful of members for inclusion in the omnibus. Neither negotiations – nor even bill text – have been made public. We cannot cast such a consequential vote with no input.

Furthermore, according to the press, a number of privacy protections have been removed, including:

1. Removing the express prohibition on using this shared information for “surveillance” purposes.
2. Removing the limitation that government can only use this information for cybersecurity purposes. Instead, the government can use this shared info to prosecute a number of other—unrelated—crimes.
3. Removing the requirement that the government take “reasonable efforts” to scrub personal information unrelated to a cybersecurity threat before sharing information. Instead, the scrubbing and storing of personal information is at the discretion of the Attorney General and DHS.
4. Removing the prohibition on information being shared automatically with NSA and DOD. Instead, the DOD and NSA will automatically receive cyber threat indicators along with the civilian agencies.

The House should not support any appropriations bill that includes such privacy-violating provisions.

We ask that our colleagues be alert to this potential issue and to join us in adding their voice to tell Leadership that the omnibus is not the appropriate place for such consequential legislation. Leadership has promised regular order, and legislation that may violate Americans' privacy and constitutional rights demands the rigorous debate and input from all members that regular order provides.

If you would like more information about our concerns, please contact ZJ Hull (Lofgren) ZJ.Hull@mail.house.gov; Poppy Nelson (Amash) Poppy.Nelson@mail.house.gov; Craig Frucht (Polis) Craig.Frucht@mail.house.gov ; or Tim Tarpley (Poe) Tim.Tarpley@mail.house.gov.

Sincerely,

Rep. Zoe Lofgren

Rep. Justin Amash

Rep. Jared Polis

Rep. Ted Poe

