

# GET THE FACTS ON CISPA

- × **FICTION** – The legislation creates a wide-ranging government surveillance program.
- ✓ **FACT** – The bill has nothing to do with government surveillance; rather it provides a narrowly focused authority to share anonymous cyber threat information between the government and the private sector so they can protect their networks and their customers' private information.
- ✓ I supported Rep. Doug LaMalfa's amendment to CISPA that makes clear nothing in this bill authorizes the government to target a United States' citizen for surveillance. This amendment overwhelmingly passed the House with Republican and Democrat support.
- × **FICTION** – Businesses or their customers will be forced to share and receive information from the government.
- ✓ **FACT** - The bill does not require anyone to provide information to or receive information from the government. The entire program is completely voluntary.
- × **FICTION** – The bill creates a new 'super agency' which is more powerful than the existing intelligence gathering agencies, and will be able to see everything that citizens are doing.
- ✓ **FACT** – The bill creates no new authority, agency, organization or department for the government to monitor private networks or communications.
- × **FICTION** – The government can obtain and share information that has no relevance to national security, such as tax, library, medical, or gun records.
- ✓ **FACT** - The bill explicitly prevents the government from obtaining any of these types of records. It includes a strict liability clause which provides to protect against individuals who made be adversely affected by such violations.
- × **FICTION** – The government will be able to read peoples private emails or access their internet history without warning or warrant, even if it has no bearing on national security.
- ✓ **FACT** – The bill makes clear that the government cannot access private emails or internet history without a warrant, as is the case under existing law and practice. It can only use and retain cyber threat information, not private email or internet histories, and in fact must establish minimization procedures to prevent or limit the use of personally identifiable information.
- × **FICTION** – There is no oversight or accountability for this new program, so that the intelligence gathering agencies can operate however they want.
- ✓ **FACT** - There is significant oversight and accountability, from requiring the Intelligence Community's Inspector General to annually review and report on the government's handling of the use of information, to creating a role for the Privacy and Civil Liberties Board to provide additional oversight.
- × **FICTION** – The government will amass huge amounts of data on US citizens which will sit on government servers and be accessible by all agencies for all manner of purposes.
- ✓ **FACT** – The bill makes clear that the government cannot retain or use information other than for the specific purpose of preventing clearly identified threats. It must also establish minimization procedures to limit what personal information it acquires that may not be necessary to protect systems and networks.
- × **FICTION** – Citizens will have no redress against the government if they misuse any information.
- ✓ **FACT** – The bill makes clear that the government will be liable for any damages if it mishandles private information.
- × **FICTION** – CISPA nullifies private contracts.
- ✓ **FACT** – Nothing at all in the bill voids private contracts, as private sector participation is entirely voluntary. In fact, the bill also requires express consent of a protected entity in contracts to share information.



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