



Written by [Joe Wolverton, II, J.D.](#) on December 24, 2015

Amash, Massie Warn of Secret Surveillance Provision in Spending Package

The conspiracy of Republican and Democrat congressional leaders to hide a massive surveillance bill inside the \$1.1-trillion spending package passed last week has drawn the criticism of a couple of constitutionally consistent congressmen.

Representatives Justin Amash (R-Mich.; shown on right) and Thomas Massie (R-Ky.; left) have issued statements vilifying the omnibus spending bill's provision implementing the Cybersecurity Act of 2015.



The potential expansion of federal surveillance capacity under the terms of this bill is so immense that Amash told Truth in Media that it may be the “worst anti-piracy vote” since the passage of the PATRIOT Act in 2001.

Echoing his colleague's concerns, Massie wrote on his Facebook page, “We learned last night [December 15] that in addition to unsustainable spending, the giant omnibus includes completely unrelated legislation to expand warrantless domestic cyber surveillance.”

Not only does the spending bill contain billions of dollars in funding for unquestionably unconstitutional programs and policies, but it will allow the federal domestic spying apparatus to achieve previously prohibited levels of unwarranted searches, seizures, and sharing of personal data of Americans caught in the surveillance dragnet.

Amash told Truth in Media that these provisions were purposefully buried deep enough to avoid notice by the people's representatives.

“These provisions were quietly slipped into the omnibus to avoid full scrutiny. We take an oath to defend the Constitution, and our Fourth Amendment privacy protections are as important as anything,” he said.

Perhaps the most constitutionally egregious aspect of all the Fourth Amendment violations contained in the new law (the measure was signed by President Obama on December 18) is the fact that all the authority to spy on Americans without a warrant was formerly rejected in one form or another by the same senators and congressmen who approved it last week.

As reported by Truth in Media:

The Cybersecurity Act of 2015 brings together provisions from other bills that have been passed in either the House or the Senate in 2015, such as the Cyber Intelligence Sharing and Protection Act (CISPA) and the Cybersecurity Information Sharing Act (CISA), which both give the U.S. government access to Internet traffic information from technology and manufacturing companies.

In an article published in 2014, this author [highlighted the deprivations](#) of liberty linked to CISPA and

**CISA:**

The Electronic Frontier Foundation (EFF) joined a group of 35 civil society organizations, companies, and security experts that sent a letter appealing to President Obama to veto CISA (S. 2588). The letter states:

CISA fails to offer a comprehensive solution to cybersecurity threats. Further, the bill contains inadequate protections for privacy and civil liberties. Accordingly, we request that you promptly pledge to veto CISA. We also request that you issue a similar veto threat for any future legislation that takes a similar approach on information sharing. A robust approach to cybersecurity is necessary to protect the security of the internet and those who use it.

The letter goes on to point out that this latest incarnation of an Internet control bill makes little more than “cosmetic changes to CISPA”:

CISA presents many of the same problems the Administration previously identified with CISPA in its veto threat. Privacy experts have pointed out how CISA would damage the privacy and civil liberties of users. Language in CISA, like CISPA, also bypasses the Administration’s previously stated preference of having a civilian agency lead U.S. cybersecurity efforts in favor of automatic and simultaneous transfer of cybersecurity information to U.S. intelligence agencies, like the National Security Agency.

In a blog post announcing its contribution to the letter, EFF says of CISA:

“The bill fails to provide privacy protections for Internet users and allows information sharing in a wide variety of circumstances that could potentially harm journalists and whistleblowers. Like its previous iterations, it also contains overbroad immunity from lawsuits for corporations that share information. As the letter points out, it even contains a broad new categorical exemption from disclosure under the Freedom of Information Act, the first since the Act’s passage in 1966.”

As is the case with these twin terrors, the Cybersecurity Act of 2015 will benefit the National Security Agency (NSA) and the Pentagon’s overall effort to put every person in the United States under the watchful eye of the military and the myriad federal agencies participating in the surveillance program.

A CNBC article reports on the provision of the new “law” that effectively removes all barriers between the various members of the surveillance squad:

In essence, the law allows companies to directly share information with the Department of Defense (including the National Security Agency) without fear of being sued. This info can be used for cybersecurity purposes, but critics have keyed into the law’s allowance for using the data to address or investigate a “specific threat” of death, serious bodily harm, serious economic harm, terrorism, harm to a minor and more.

While earlier versions of the Cybersecurity Act allowed sharing of data only in cases of “imminent threat,” the version signed into law removes those hurdles, clearing the path for the interagency passing of the personal data of millions of Americans never accused of any crime.

Senator Ron Wyden (D-Ore.) described such a situation as a “black mark,” and released the following statement on his official website:

Ultimately, I cannot vote for this badly flawed CISA bill. The latest version of CISA is the worst one yet — it contains substantially fewer oversight and reporting provisions than the Senate version



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did. That means that violations of Americans' privacy will be more likely to go unnoticed.

Unnoticed by all: the governors and the governed.

Furthermore, the surreptitious nature of the passage of this "law" disqualifies it for the respect due to that term, as the basis for all valid law in the United States is that it is made with the consent of the governed.

How can a surveillance measure in a bill that comes in at over 2,000 pages and was apparently intentionally hidden from lawmakers purport to be made with the consent of the governed?

Defense of civil liberty — even in cyberspace — is crucial, especially in light of President Obama's insistence that "the cyber threat is one of the most serious economic and national security challenges we face as a nation" and that "America's economic prosperity in the 21st century will depend on cybersecurity."

As with the Cybersecurity Act of 2015 and so many other federal programs that are steadily and stealthily chipping away at our civil liberties that are the very foundation of our Republic, the will in Washington is to place every aspect of the lives of every American under the close watch of the federal government.

There is no party in Washington, D.C. committed to preventing the officers of the federal government from forcing Americans inside the Panopticon.

Contrary to President Obama's declaration that American prosperity depends on cybersecurity, friends of freedom know that the perpetuation of our Republic and the rights we enjoy depends on a return to first principles of liberty and a fearless defense of the Constitution that stands as sentinel of the natural rights granted to all men by their Creator.

Photo of Representatives Justin Amash and Thomas Massie: AP Images



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