

Hacking Policy

Hackers On The Hill 2020

Harley Geiger, Rapid7



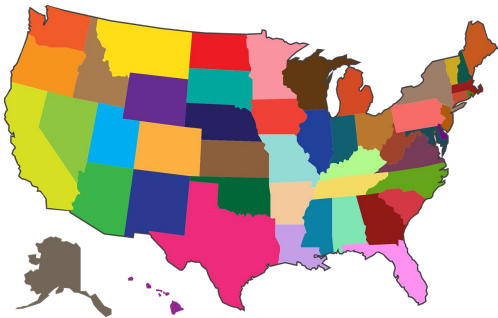
Legislative Branch

- 273 current bills with “cybersecurity”
- 49 passed one Chamber, 9 passed both Chambers



Executive Branch

- ~375 notices and rules with “cybersecurity” for 2019 - 2020
- 136 rulemaking, 239 non-rulemaking



Durn Pesky States

- 43 states considered ~325 cyber bills in 2019
- 31 states enacted some cybersecurity-related legislation

Common categories:

- Creating task forces, commissions, reports
- Grants and appropriations
- Reorganizing government
- Workforce
- Critical infrastructure
- Connected devices
- Election security
- Personal information security

Common tensions:

- Innovation & liability vs. security requirements
- State vs. federal
- Partisanship & paralysis



Internet o' Thangs

Congress:

- Federal procurement
- Smart cities
- Reports, even though there's lots of reports

Agencies:

- NIST: IoT baseline, standards galore
- Sectoral: FTC, NHTSA, FDA, CPSC, FAA

States:

- Security requirements:
CA (enacted), OR (enacted), IL, MA, NY, VA, VT



Consumer Privacy

Issues:

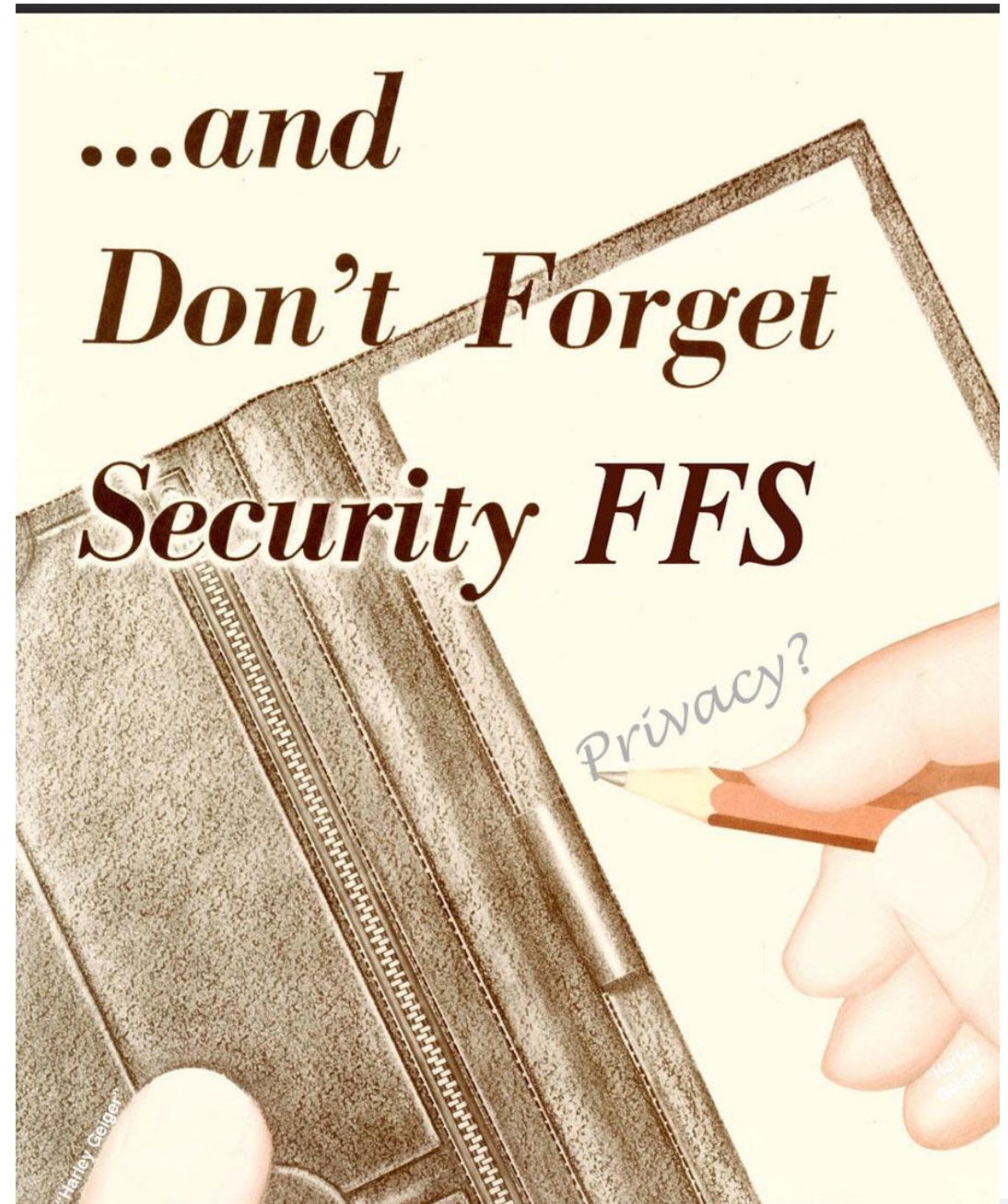
- Security of personal information
- Carve-outs for cybersecurity activity
- Preemption effect on state security laws

Congress:

- Dozens of bills with data security
- Most important: Senate Commerce, House E&C drafts

States:

- CA (again), IL, MA, MT, NY, WA (esp.)



DISCLOSE VULNS!



**Bury your other
problems deep inside**

Coordinated vulnerability disclosure

Congress:

- Federal procurement
- Bills requiring bug bounties

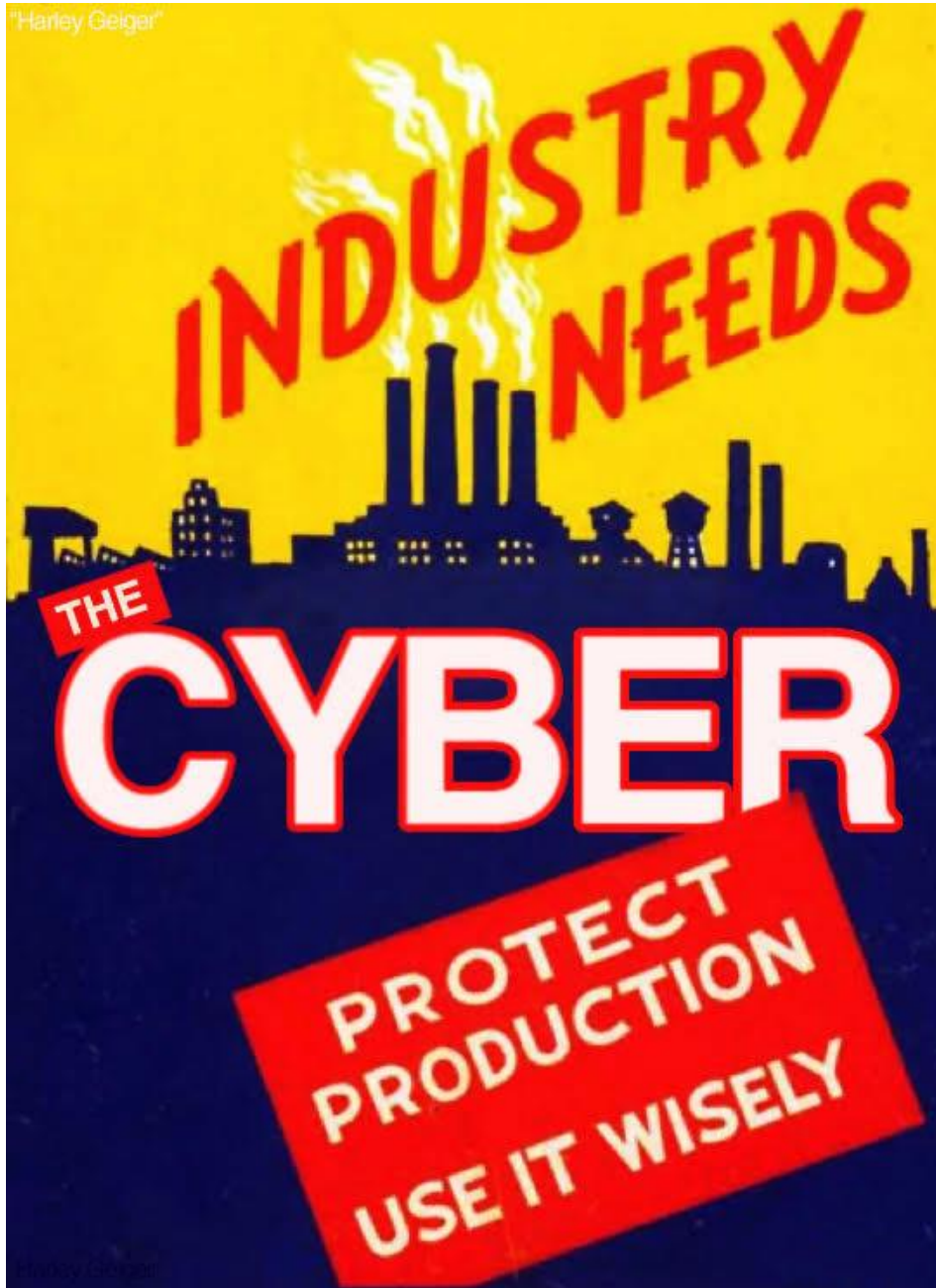
Agencies:

- Federal adoption: OMB, CISA
- Sectoral Guidance: FDA, NHTSA

Encryption

- Activity behind the scenes
- Public statements from AG, POTUS
 - Citing need for government access
- Senate hearings
- Current legislation
 - ENCRYPT, EARN IT
 - None to directly undermine (yet)
 - Past legislation
 - Overseas





Supply Chain

Congress:

- Focused on government's own activity:
 - Procurement, subsidies, counterintel
- 5G plans, China fears

Agencies:

- Commerce regulation restricting transactions with "adversary nations"
- DHS task force
 - Info sharing, evaluation frameworks

CFAA / Computer Crime

Congress:

- International Cybercrime Prevention Act
- Election security (passed Senate)
- Bug bounties (passed House)
- Hack back (gaining cosponsors)

States:

- Proposed expansions:
MN, NY, LA (enacted)



DMCA Sec. 1201

Agencies:

- Real progress (every three years)
 - Copyright Office, DOJ, NTIA
 - 2021!

Congress:

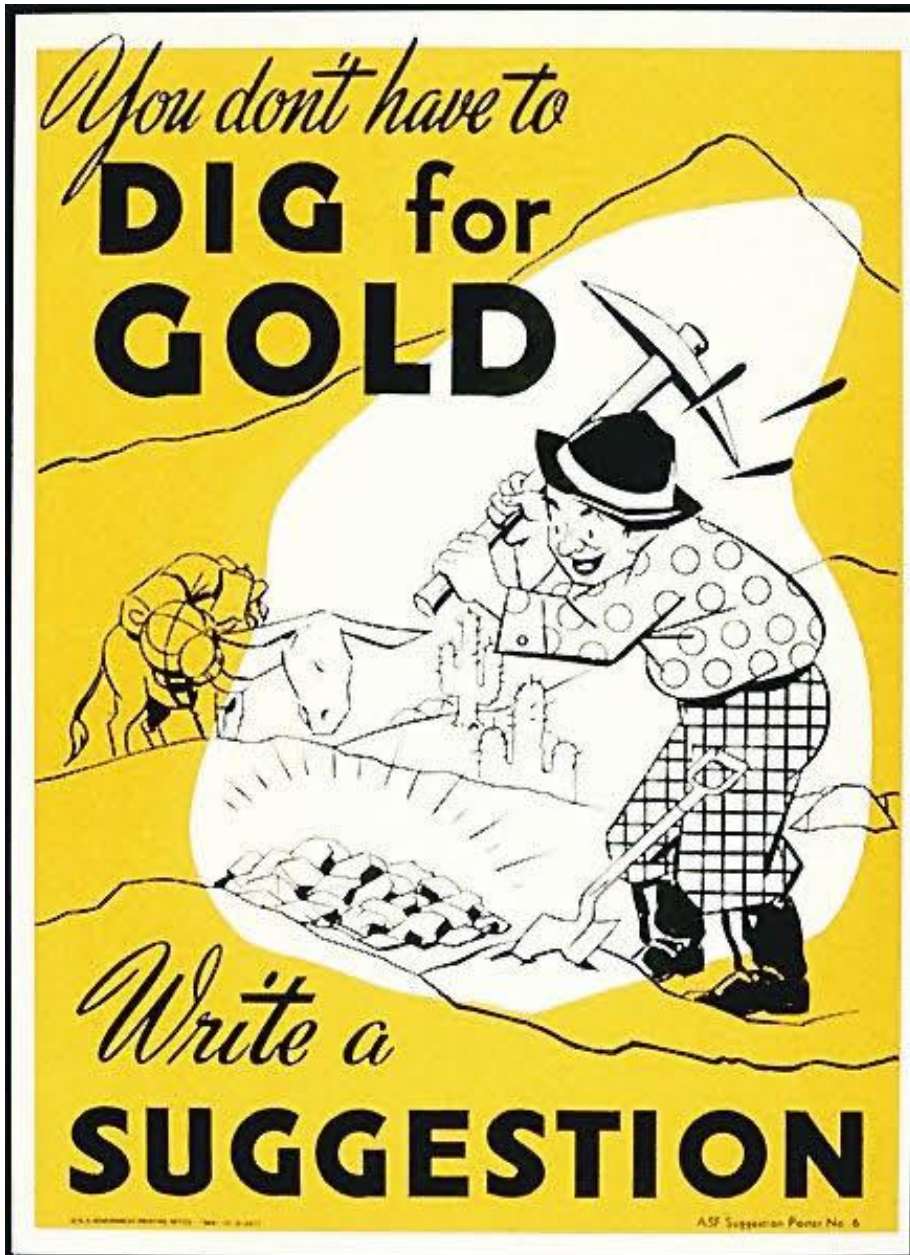
- Mostly mum, but good potential
 - Copyright Office study
 - Senate DMCA hearings



Resources

- Legislative:
<https://www.congress.gov>
- Executive:
<https://www.regulations.gov>
- States:
<https://www.ncsl.org>





Leveling up advocacy

- Easy: Appreciate the problem
- Normal: Describe the problem to the right officials
- Hard: Propose a solution
- Lunatic: Articulate a solution that works
- Boss: Make tangible progress on your solution

Good luck!

RAPID7

THANK YOU!

@HarleyGeiger