Hacking Policy

Hackers On The Hill 2020

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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 tasks 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.)
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!
THANK YOU!
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