

# VFI Executive Briefing

## A weekly roundup of technology news

May 2-6, 2016

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#### ARTICLE SUMMARY

##### **The Hill [Dem rallies opposition to new fed hacking powers](#)**

A key senator is trying to block the Justice Department's request to expand its remote hacking powers, after the Supreme Court signed off on the proposal Thursday. "These amendments will have significant consequences for Americans' privacy and the scope of the government's powers to conduct remote surveillance and searches of electronic devices," warned Sen. Ron Wyden (D-Ore.), a prominent digital privacy advocate and member of the Intelligence Committee, on Thursday.

##### **The Hill [Dem wants probe into 'spying billboards'](#)**

A top Senate Democrat is urging the Federal Trade Commission (FTC) to investigate a billboard company that helps advertisers target customers by using location and shopping information from people's mobile phones. Sen. Charles Schumer (D-N.Y.) expressed concern that these "spying billboards" by the company Clear Channel Outdoor could be violating Americans' privacy. "I am worried about the way this data will be collected for so many unsuspecting individuals," Schumer said in a letter.

##### **Bloomberg [Congress Shouldn't Let Justices Make the Rules](#)**

Columnist Noah Feldman published a piece arguing Congress should challenge the Supreme Court's proposed changes to Rule 41 of the Federal Rules of Criminal Procedure. Feldman suggests that the amendment will alter the "balance between privacy and warrants executed by the government," and the Supreme Court is not the right institution to be making such a significant change.

##### **New York Times [Mark Zuckerberg Hires Education Leader to Run Philanthropic Effort](#)**

Mark Zuckerberg, the chief executive of Facebook, and his wife, Priscilla Chan, said Wednesday that they had hired James H. Shelton III, a former deputy secretary of the United States Department of Education, to oversee their efforts in education, in the latest example of former federal officials who are taking up jobs in Silicon Valley. Mr. Shelton will lead the education component of the Chan Zuckerberg Initiative, which Mr. Zuckerberg and his wife announced they were creating last year for their philanthropic and social entrepreneurship endeavors.

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The education work is focused on customizing learning for students and addressing disparities.

#### **The Hill [Election fraud feared as hackers target voter records](#)**

A series of data breaches overseas are spurring concerns that hackers could manipulate elections in the United States. Since December, hundreds of millions of voters in the U.S., the Philippines, Turkey and Mexico have had their data discovered on the web in unprotected form. In some instances, legitimate security researchers found the information, but in others, malicious hackers are suspected of pilfering the data for criminal purposes.

#### **Engadget [Government officials can no longer be ignorant about cybersecurity](#)**

It's sort of cute when someone you know, usually an older family member, announces that he doesn't understand Facebook or smartphones. It's far less endearing when elected officials and law enforcement flaunt their ignorance of technology and cybersecurity. Hacking is no longer something that most of us only hear about in movies. It's a weekly occurrence that affects everyone. Whether your credit card information was part of the huge Target breach or your personal data was leaked by the OPM, Experian or Home Depot hacks, you're no longer a bystander; you're the target.

#### **The Hill [Dem wants probe into 'spying billboards'](#)**

A top Senate Democrat is urging the Federal Trade Commission (FTC) to investigate a billboard company that helps advertisers target customers by using location and shopping information from people's mobile phones. Sen. Charles Schumer (D-N.Y.) expressed concern that these "spying billboards" by the company Clear Channel Outdoor could be violating Americans' privacy. "I am worried about the way this data will be collected for so many unsuspecting individuals," Schumer said in a letter.

#### **The Hill [Federal judge opens the door to Clinton deposition in email case](#)**

A federal judge on Wednesday opened the door to interviewing Democratic presidential front-runner Hillary Clinton as part of a review into her use of a private email server as secretary of State. Judge Emmet Sullivan of the U.S. District Court for the District of Columbia laid out the ground rules for interviewing multiple State Department officials about the emails, with an eye on finishing the depositions in the weeks before the party nominating conventions. Clinton herself may be forced to answer questions under oath, Sullivan said, though she is not yet being forced to take that step.

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### **New York Times [Moore's Law Running Out of Room, Tech Looks for a Successor](#)**

For decades, the computer industry has been guided by a faith that engineers would always find a way to make the components on computer chips smaller, faster and cheaper. But a decision by a global alliance of chip makers to back away from reliance on Moore's Law, a principle that has guided tech companies from the giant mainframes of the 1960s to today's smartphones, shows that the industry may need to rethink the central tenet of Silicon Valley's innovation ethos.

### **The Hill [GOP group enlists public with opposition research app](#)**

A Republican super-PAC wants the public to use a new iPhone app to help it with opposition research. The "Grill" app, released Wednesday from America Rising, recommends two or three difficult questions for users to ask Democratic candidates in their area. Video recorded through the app is uploaded to the group's database. "The questions are written by America Rising researchers and based on current events and local news in your area and are written in a way that's as inconvenient as possible for the Democrat in question," the super-PAC said in a statement.

### **Reuters [Requests for data rise sharply under secretive U.S. surveillance orders](#)**

The FBI's requests for customer records under a secretive surveillance order increased by nearly 50 percent in 2015. According to a recent U.S. government [transparency report](#), internet and telecommunications companies received 48,642 requests in 2015 for data via National Security Letters, an increase from 33,024 in 2014, while the amount of actual written orders issued decreased in 2015 from 16,248 to 12,870.

### **The Hill [Microsoft: Hackers getting faster, more targeted](#)**

Hackers are getting faster and better at targeting their attacks, according to a threat intelligence report from Microsoft released Thursday. "If I could use a second word to describe how they have changed I would use 'accelerated,'" Microsoft Chief Security Officer Tim Rains writes. "The focus and pace that some attackers have been demonstrating recently have certainly increased over time."

### **New York Times [Former Officer Is Jailed Months Without Charges, Over Encrypted Drives](#)**

A former police sergeant has been held without charges in a federal detention cell in Philadelphia, part of an effort by the authorities to pressure him to decrypt two computer hard drives believed to contain child pornography. The case

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reveals yet another battle line for law enforcement and digital privacy advocates over encryption, this time on an Apple computer, not an iPhone. The sergeant, Francis Rawls, was ordered by a federal court last August to hand over the two hard drives, which were seized from his home because they were suspected to contain the illegal pornography.

#### **The Hill** [Tech groups push candidates on trade, immigration policy](#)

Trade groups that represent some of America's most powerful tech companies are pushing the presidential candidates to pay attention to a slate of issues that matter to them, from limiting government access to user data to adopting trade deals. Thirteen trade groups signed an open letter released Wednesday night drawing attention to their list of issues. The groups represent giants like Google, Facebook, Apple and Amazon — as well as other, less well-known companies.

#### **Engadget** [NASA launches searchable database of public domain patents](#)

NASA has not only released 56 carefully selected patents to the public domain, but also launched a searchable database containing thousands of expired patents. While it might seem like private space companies like SpaceX will get the most out of this initiative, let's not forget that a lot of NASA technologies could be adapted for non-aerospace applications. There are tons of NASA spinoffs, and the agency's work contributed to the development of artificial limbs and breast biopsy, among many other things.

#### **Wired** [So ... Now the Government Wants to Hack Cybercrime Victims](#)

Three new changes in federal court rules have vastly expanded law enforcement's ability to hack into computers around the world. The changes, to a federal court procedure known as Rule 41, were announced last week by the Supreme Court. They would let magistrate judges routinely issue search warrants to hack into computers outside their jurisdiction. The changes would also let magistrates issue a single search warrant for numerous computers in multiple jurisdictions, saving law enforcement the burden of having to obtain a separate warrant for each computer. This means a judge in Virginia could issue a single warrant for computers in California, Florida, Illinois and even overseas.

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### Notable Quotes

- *“But the proposals for reform could face opposition from key senators. The chairman of the Judiciary Committee, Chuck Grassley, Republican of Iowa, has not said whether he will schedule a vote. He seems concerned that changing current law could hurt the government’s ability to get data it needs for criminal and civil investigations. His fears are misplaced. Judges rarely turn down governmental requests for warrants. And civil enforcement agencies that cannot seek warrants, like the Securities and Exchange Commission, can still issue subpoenas directly to the people and businesses they are investigating. Senator Mitch McConnell, the majority leader, ought to heed the resounding vote in the House and bring the legislation up for a vote.*  
- [The New York Times editorial board on the Email Privacy Act](#)
- *“Some industry executives worry that privacy would be eroded if technology firms had to start recognizing the authority of foreign courts and judges making cross-border demands for data. Because of that concern, Microsoft’s top lawyer Brad Smith has long argued firms should follow the legal process of the country in which the data is stored—in the case of many American social-media firms, the U.S.—not the legal process of whatever country is demanding data. Still, many U.S. Internet companies agree there is a problem. But they say their options are limited under current law.”*  
- [Devlin Barrett, Julian Barnes and Valentina Pop, reporters, The Wall Street Journal](#)
- *“We are hoping that there is a new framework of law that allows, in fact, our government of the United States to get that right balance between privacy and public safety. I think that is very important. In fact I would say that the onus is on the United States to get that right, because we are, after all, the beacon that everyone else will look to. If we get it right, every other democracy will say, well, that’s the model. ... If the U.S. and the UK and other countries, Germany and so on, can come together, establish this new equilibrium, the world will be a better place for being able to balance the legitimate needs for public safety, and the legitimate values for privacy.”*  
- [Satya Nadella, CEO, Microsoft](#)

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- *“That was a bridge we thought we shouldn’t cross that was not good for America, so we stood up ... I think when you are approached like this you have to stand up for what you believe in.”*  
- [Tim Cook, CEO, Apple, on San Bernardino iPhone case](#)
- *“Companies have been in legal limbo since October, when the European Court of Justice struck down the international agreement protecting data transfers — from family photos to payroll information. As regulators polish a new pact, companies are gun-shy about signing on because privacy advocates will almost certainly ask for another judicial ruling. That risk is not worth it for many. They can use clumsy alternatives in the interim. What’s at stake is public confidence. In the age of mass surveillance and increasing police powers, Europeans, in particular, fear what happens to their data when it moves to the U.S.”*  
- [Laurens Cerulus, reporter, Politico](#)