

**VFI Executive Briefing**  
**A weekly roundup of technology news**  
**September 19-23, 2016**

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## **HILL UPDATE**

### **The Hill [House passes IT modernization bill](#)**

The Modernizing Government Technology Act, aimed at upgrading woefully out-of-date agency information technology equipment, passed the House Thursday. The bill, the marriage of two competing measures aimed at modernizing government technology, combined ideas from Rep. Will Hurd's (R-Texas) MOVE IT Act and Rep. Steny Hoyer's (D-Md.) IT Modernization Act. Both ideas would have created funds to allow agencies to replace obsolete equipment and reinvested the cost savings of using more efficient technology into upgrading more equipment.

### **The Hill [Senate GOP pressures Dems for deal on internet fight](#)**

Nearly a dozen Senate Republicans are urging Democrats to come to the negotiating table to prevent President Obama from transferring management of the internet to an international governing body before the Oct. 1 deadline. Republican Sens. Ted Cruz (Texas), Chuck Grassley (Iowa), Roy Blunt (Mo.), Richard Burr (N.C.), Ron Johnson (Wis.), James Lankford (Okla.), Mike Lee (Utah), Jerry Moran (Kan.), Jeff Sessions (Ala.), Dan Sullivan (Alaska) and Roger Wicker (Miss.) released a joint statement Friday arguing that lawmakers should be able to reach a deal.

### **FedScoop [Proposed cybersecurity bills would 'prohibit' internet-connected voting systems](#)**

These two pieces of legislation — named the “Election Infrastructure and Security Promotion Act of 2016” and the “Election Integrity Act,” respectively — are being sponsored by Rep. Hank Johnson, D-Ga., a lawmaker whose constituents will rely on paperless ballots to cast their votes in November's presidential election. [...] The Election Infrastructure and Security Promotion Act of 2016 will require the Department of Homeland Security, or DHS, to designate voting systems as critical infrastructure — an important reclassification move already under consideration by DHS Secretary Jeh Johnson. In practice, this change would result in a budget adjustment that puts election systems on par with power grid protection.

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## SPECIAL COVERAGE – Edward Snowden

Edward Snowden was in the news this week based on a series of op-eds offering differing views on whether President Obama should pardon him.

The Washington Post Editorial Board published an article urging President Obama not to pardon Edward Snowden. The group argued that Snowden's leaks caused severe damage to national security, particularly his leaks related to the PRISM program, which the group argues was "both clearly legal and not clearly threatening to privacy." Relatedly, Lawfare published an op-ed by Jack Goldsmith, a law professor at Harvard University and co-founder of Lawfare, arguing against a pardon for Snowden and summarizing the repercussions of Snowden's leaks.

Multiple outlets, including Ars Technica, Tech Crunch, and The Los Angeles Times, published op-eds urging President Obama to pardon Snowden for his actions. In his op-ed for The Los Angeles Times, ACLU Executive Director Anthony Romero argued that developments since the June 2013 leaks "have benefited our democracy and our security." Ars Technica republished a recent Lawfare op-ed by Timothy Edgar, former director of privacy and civil liberties for the White House National Security Staff, arguing that Edward Snowden's actions were in part due to a failure in leadership by the national security teams and have helped to reform mass surveillance laws.

- **The Washington Post:** [No pardon for Edward Snowden](#)
- **Ars Technica:** [Op-ed: Why Obama should pardon Edward Snowden](#)
- **Lawfare:** [Why President Obama Won't, and Shouldn't, Pardon Snowden](#)
- **New York Post:** [Edward Snowden isn't a patriot — and doesn't deserve a pardon](#)
- **The Los Angeles Times:** [Why President Obama should pardon Edward Snowden](#)
- **Tech Crunch:** [Don't just pardon Edward Snowden; give the man a medal](#)
- **The Washington Post:** [As a source — and a patriot — Edward Snowden deserves a presidential pardon](#) (op-ed from media columnist Margaret Sullivan)

## ARTICLE SUMMARY

### Techdirt [How Pirates Shaped The Internet As We Know It](#)

Today is "International Talk like a Pirate Day." While it's a lot of fun to act like a pirate, drink rum and catch up on Errol Flynn movies, piracy is also a serious issue with real economic and legal significance. As electronic devices become an increasingly ubiquitous part of our lives, the content we consume has moved from analog to digital. This has made copying – as well as pirating – increasingly easy and prevalent.

### Fortune [Microsoft Opens Its First Cloud Data Centers in Germany](#)

Microsoft just opened its first cloud data centers in Germany. Plans for this expansion were announced last November. The two sites, located in Magdeburg and Frankfurt, comprise what the company calls Microsoft German Cloud. Microsoft Azure computing, networking and storage services are now available from the data centers, and Microsoft Office 365 applications are scheduled to come online in

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the first quarter of 2017. The Dynamics business applications will also be out in the first half of the year, according to the company.

#### **Wired [Government Requests For Twitter Info Keep Growing](#)**

TWITTER IS RECEIVING an increasing number of government requests for data involving user accounts. Today, the company released its latest transparency report, which aims to help consumers better understand tweet removal requests and copyright notices as well as government information requests. With each report, the number of government requests continues to rise, and the US government continues to make more requests than any other government. This is the drawback of using social networks and other online services. The information you share can come back to haunt you.

#### **The Verge [Twitter will live stream the US presidential debates](#)**

Twitter is continuing its push into live events and TV with the announcement it will be live-streaming the US presidential debates. As with the company's streams of NFL football games, the live video will be shown alongside curated tweets, and will be available on various Twitter apps (including Apple TV) and on the web at [debates.twitter.com](http://debates.twitter.com). The first debate between Hillary Clinton and Donald Trump will take place this coming Monday, September the 26th, with the vice presidential debate between Tim Kaine and Mike Pence on October 4th, and then the second and third presidential debates on October 9th and October 19th.

#### **InfoWorld [Who's No. 1 in open source? Microsoft!](#)**

There are more than 331,000 organizations with employees contributing to open source projects on GitHub, a sign that open source software is eating the world. But in a sign that open source is sending that same world into an early apocalypse, the biggest corporate contributor to open source is Microsoft, according to new GitHub data. Huh? Microsoft, which used to deploy catchy marketing slogans like "Linux is a cancer" and "open source is un-American," didn't morph overnight into a cute and cuddly open-source-loving contributor. Rather, the Microsoft that fought open source as an existential threat to its business simply learned to do business in a new, cloudy manner.

#### **New York Times [For the Debaters: What Shall We Do About the Tech Careening Our Way?](#)**

Here's a question I'm hoping comes up at Monday's presidential debate: Secretary Clinton and Mr. Trump, what would you do about self-driving trucks? That sounds goofy, but it's big league. The self-driving truck is an 18-wheeled trick question barreling toward us from an uncertain future. In testing how Donald J. Trump and Hillary Clinton might respond to the not-too-distant possibility of trucks that drive themselves, we might get at something most political debates fail to address: how the candidates are weighing the costs and benefits of rapid, unpredictable and transformative technological change.

#### **Broadband TV News [Brexit: Where Next For Patents In Europe?](#)**

Until June 23, the UK was a driving force in creating the European Patent with Unitary Effect ("Unitary Patent"), a new breed of "Super Patent" which can instantly grant or revoke a robust set of associated patent rights in 24 of the 28 EU member countries who signed up to it on 19 February 2013. The radical new patent is part of a complete overhaul of patent law, framed in the Unified Patent Court Agreement which includes a new set of courts under the auspices of the Unified Patent Court ("UPC").

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#### **The Verge** [Donald Trump still doesn't understand how the internet works](#)

Donald Trump this week came out in opposition to a plan that would see the US cede control over the Internet Corporation for Assigned Names and Numbers (ICANN), the organization that oversees the allocation of domain names and IP addresses. In a statement published to Trump's website on Wednesday, Stephen Miller, the republican presidential candidate's national policy director, said that relinquishing US control over ICANN would "surrender American internet control to foreign powers," thereby jeopardizing internet freedom.

#### **The Racine Journal Times** [Milholland: Congress should update electronic privacy laws](#)

The Racine Journal Times published an article by Nancy Milholland, vice chairwoman of the Racine County Republican Party, highlighting the need for Congress to update the Electronic Communications Privacy Act (ECPA). Milholland urges Congress to evolve our privacy laws to protect electronic communications in the digital era by passing the International Communications Privacy Act (ICPA).

#### **Associated Press** [Feds: We can read all your email, and you'll never know](#)

The Associated Press distributed an op-ed by Clark D. Cunningham, professor of law at Georgia State University, analyzing government use of secrecy orders and the procedures connected to government requests for data. Cunningham criticizes the government's use of search warrants and secrecy orders under ECPA, highlighting Microsoft's NDO litigation and warrant case as examples of tech companies fighting back against government overreach for digital data.

#### **Bankinfosecurity.com** [Ideas for Filling the Cybersecurity Skills Gap](#)

In building the federal government's cybersecurity workforce, Pritzker suggests the commission consider recommending a centralized system to recruit, train and place federal cybersecurity personnel as well as creating specialized pay scales to compete with the private sector. "We need to rethink recruitment with bold ideas like debt forgiveness for graduates of certified programs, tuition-free community college in return for federal service and cybersecurity apprenticeships within civilian agencies," the Commerce secretary says.

## Notable Quotes

*"Pardoning the perpetrator of the most damaging leak by far in American history would send a clear signal of approval for what Snowden did and a clear signal about a lack of seriousness on the part of the government about its truly most important secrets. Those signals would affect the attitude of everyone in the intelligence community about the value of our most important secrets and would have a terrible impact on the government's already-difficult ability to keep such secrets."*

– [Jack Goldsmith, law professor at Harvard and co-founder of Lawfare](#)

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*“He also pilfered, and leaked, information about a separate overseas NSA Internet-monitoring program, [PRISM](#), that was both clearly legal and not clearly threatening to privacy. Worse — far worse — he also leaked details of basically defensible international intelligence operations: cooperation with Scandinavian services against Russia; spying on the wife of an Osama bin Laden associate; and certain offensive cyber operations in China.”*

– [The Washington Post Editorial Board](#)

*“Since Snowden first disclosed documents in 2013 detailing the National Security Agency’s mass surveillance programs, we’ve seen an unprecedented global debate about the proper limits of government spying. This debate has had a transformative effect: on privacy laws and standards, on the security of the devices we depend on to communicate with one another and store sensitive information, and on how we understand our relationship to the institutions that govern us. There is wide consensus that these developments have benefited our democracy and our security.”*

– [Anthony Romero, executive director, American Civil Liberties Union](#)

*“In a world where businesses and individuals increasingly utilize online data and electronic communications storage, it is important that Congress move to ensure that our private electronic communications are protected the same way as written communications.”*

– [Nancy Milholland, vice chair, Racine County Republican Party](#)

*“There was a time in France and Germany when people would put privacy above security, but that is changing. Whereas in 2013 they held up their hands in horror at what Snowden revealed, now they are holding up their hands in relief.”*

– [Anthony Glees, director of the University of Buckingham's Centre for Security and Intelligence Studies](#)

*“To prevent the new federal government from engaging in that sort of tyranny, special controls over search warrants were written into the Fourth Amendment to the Constitution. But these constitutional provisions are failing to protect our personal documents if they are stored in the cloud or on our smartphones. Fortunately, the government’s efforts are finally being made public, thanks to legal battles taken up by Apple, Microsoft and other major companies.”*

– [Clark D Cunningham, professor of law, Georgia State University](#)

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## Social Highlights

- **@csoghoian:** [Compare WaPo Editorial board's demonization to the proud tone @PostBaron uses to describe the Post's Snowden stories](#)
- **@ggreenwald:** [WPost achieves a 1st in media history: a paper calls for \\*imprisonment of its own source \(after accepting Pulitzer\)](#)
- **@politico\_media:** [.@washingtonpost made waves yesterday when its editorial board came out against a pardon for Edward Snowden](#)
- **@HowellONeill:** [Sen. Burr, who is behind encryption backdoor legislation, trails in a new poll for a crucial Senate race](#)
- **@OrinKerr:** [Profile of Chief Judge Beryl Howell of the D.D.C, with emphasis on her experience w/ cyber & surveillance issues.](#)
- **@selenalarson:** [Anti-Encryption Legislator Trails In Key Senate Race](#)
- **@OrinKerr:** [Govt hacking a suspect's computer to obtain his IP address is a 4th Amendment "search." This isn't a hard question.](#)