

# VFI Executive Briefing

## A weekly roundup of technology news

### August 8-12, 2016

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## HILL UPDATE

Nothing new this week.

## SPECIAL COVERAGE

Nothing new this week.

## ARTICLE SUMMARY

The Christian Science Monitor [Obama plan to boost cybersecurity workforce fails to impress professionals](#)

While the White House recently proposed a series of measures to address the lack of skilled digital defenders working for the government, many cybersecurity experts say the plan doesn't go far enough – and won't be implemented soon enough – to adequately address the severity of the cyberthreat facing the US. "The strategies that have been defined appear to address the challenges currently faced," says Candy Alexander, a member of the Board at the Information Systems Security Association (ISSA), a cybersecurity nonprofit organization. "[But] it appears to address the problem with old solutions."

CNBC [Experts say cybercriminals are trying to manipulate the US election](#)

Two-thirds of respondents said cybercriminals were influencing the outcome of the upcoming election and the vast majority of respondents — 82 percent — believed that state-sponsored attacks around elections should be considered acts of cyberwar. [...] Cyberattacks will happen on election day, Lamar Bailey, senior director of security research and development at Tripwire wrote in the press release. Rather than a large-scale attack akin to the DNC hack — which takes a lot of time and resources — hackers are much more likely to attempt to discredit the results of the U.S. election with lots of small attacks on various states and counties, he wrote.

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#### **New York Times** [How to Give Rural America Broadband? Look to the Early 1900s](#)

From the sofa in his living room, Clinton Creason can see the electric pole outside that his father staked 70 years ago to bring power to this remote area of hilly cattle pastures. Electricity came late here but transformed life on the farm. It provided bright light to study by and freed families from the tedium of washing clothes by hand and cutting wood for the cook stove.

#### **Washington Post** [Your Internet privacy shouldn't be a 'luxury item,' this regulator says](#)

Should your online privacy depend on whether you've paid your Internet provider a little extra this month? That's one of the key policy questions concerning the future of the Web. And on Thursday, the nation's top telecom and broadband regulator, Tom Wheeler, signaled that he's not a fan of the idea. Talking to reporters, the head of the Federal Communications Commission implied that the Internet risks becoming divided into privacy haves and have-nots, if companies such as AT&T and Comcast can dangle discounts in front of consumers in exchange for slurping up their search and browsing histories for advertising purposes.

#### **Fortune** [Why GM and Honda Just Joined a Google-Led Patent Alliance](#)

In another sign of the growing ties between Detroit and Silicon Valley, more automakers are joining a network of primarily tech companies that use licenses to ward off so-called "patent trolls." The trolls, also known as patent assertion entities, don't produce any products but have long plagued the tech industry with lawsuits—or the threat of them. In early August, Honda became the latest car company to join the License on Transfer (LOT) Network, following General Motors, which joined in July. Other auto brands—including Hyundai, Ford, and even Uber—have joined LOT over the last year.

#### **Washington Post** [Delta's massive computer outage is part of a much bigger problem](#)

A systemwide computer outage at Delta Air Lines left passengers stranded and caused mass cancellations for customers who booked flights scheduled for Monday morning. The problem is a reminder that, in our increasingly digital world, computer outages, no matter the cause, can wreak havoc on even the largest companies and the customers they serve. Here's what you need to know: What happened? The problem was caused by an early morning power outage in Atlanta, where the airline is based, according a statement from Delta.

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#### **The Washington Post [Judge criticizes secrecy rules surrounding FBI requests for companies' data](#)**

The Washington Post reported on a recent ruling by U.S. District Judge James E. Boasberg criticizing new rules governing gag orders connected to National Security Letters. Boasberg, who is the first judge to publicly access the new rules, challenged the open-ended nature of secrecy orders and criticized "several large loopholes" around the requirements for revisiting secrecy orders.

#### **The Hill [Republicans see fresh chance to overhaul telecom law](#)**

Republicans believe they are finally close to overhauling a landmark law that has been a cornerstone of tech and telecom regulation for decades. The effort to update the Communications Act, which gives the Federal Communications Commission its authority, has been years in the making and has powerful support. The chairman of the Senate Commerce Committee and veteran lawmakers on the House Energy and Commerce Committee are vowing to make changing the law a centerpiece of their 2017 agenda.

#### **Washington Post [Are performance-monitoring wearables an affront to workers' rights?](#)**

At U.K. supermarket chain Tesco, workers wear sensor-bearing armbands to track inventory while unloading goods. "Pickers" that put together orders at Amazon.com warehouses wear GPS tags designed to guide them on the most efficient warehouse route. All of these wearable devices are designed to monitor worker productivity, combining man and machine for maximum efficiency. Wearables have been long used to help monitor an individual's health and fitness. But now wearable use is becoming increasingly common in the workplace to record, analyze and enhance worker productivity, raising concerns among lawyers and labor specialists who feel that it's a step toward stripping employees of workplace rights.

#### **The Hill [US must invest more in advanced computing](#)**

Over the course of the last year, our writings in The Hill have addressed emerging technology issues including big data, the Internet of Things, automation/artificial intelligence and cybersecurity. Our focus has been the growing implications of these new technologies for both the public and private sectors. There is a common threat that ties all these tech innovations together: the collection, analysis, and utilization of data via advanced computing capabilities, specifically supercomputing and high-performance Computing (HPC).

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#### **Federal Times** [Obama administration can secure another win for data privacy](#)

The Federal Times published an op-ed by Julie Anderson, principal of AG Strategy Group, analyzing the Second Circuit ruling in Microsoft's warrant case and highlighting the need for continued action on digital privacy issues. Anderson suggests that Congress and the Obama administration can eliminate uncertainty around data stored in the cloud by passing legislation to modernize ECPA and implementing the Privacy Shield agreement.

#### **ZDNet** [Texting for votes: How Clinton campaign uses legal loophole to reach mobile phones](#)

Once again, Hillary Clinton and messaging technology are both in the news. And once again, something Secretary Clinton is doing is being portrayed as skirting the edge of the law. While not quite at the "I didn't inhale level," a recent Bloomberg article implies her campaign is dancing around the spirit of the law. I'll cut to the chase and tell you I don't see a smoking gun here. My analysis doesn't turn up any wrongdoing. This isn't another email server controversy.

#### **Bloomberg BNA** [Nonprofit Agency Acted as Gov't Agent in Opening E-mail](#)

Bloomberg BNA reported on the U.S. Court of Appeals for the Tenth Circuit's ruling that the National Center for Missing and Exploited Children (NCMEC) violated the Fourth Amendment by not obtaining a warrant before accessing e-mails belonging to a man suspected of trafficking in child pornography. Writing in the Washington Post, Orin Kerr called this "an important Fourth Amendment case that has a somewhat puzzling section with far-reaching implications."

#### **The Hill** [Feds to auction \\$1.6 million in bitcoin](#)

The federal government will sell roughly \$1.6 million worth of bitcoins recovered by law enforcement operations, the U.S. Marshals Service said on Monday. The block of around 2,700 bitcoins — a digital currency — will be sold in late August. Potential bidders need to put down a deposit of \$100,000 to gain entry into the auction. The \$1.6 million estimate is based on the current market price of \$592 per bitcoin.

#### **The Verge** [The White House is now accepting letters over Facebook Messenger](#)

The White House has opened up a new Facebook Messenger channel, and will use the channel to actively relay notes to President Obama. According to the announcement, it's part of the president's long-standing practice of reading 10 letters from constituents every day. Traditionally, those are regular postal letters, but the White House staff will now include letters sent through Messenger. "Our goal is to bring the

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conversation to even more Americans," the announcement reads. The channel is accessible here to anyone with a Facebook account.

#### **The Hill [Former DHS head: Apple, Microsoft must 'check the excesses of governments'](#)**

A former secretary of Homeland Security is calling on tech firms "to work to check the excesses of governments" and continue their push for privacy and security. In a piece for the Council on Foreign Relations, Michael Chertoff says the internet is at an "inflection point" where restrictions on the free and secure flow of information could easily create harsh futures. "As economic research compellingly shows, free data, like free trade, tends to produce large economic windfalls. Those nations that limit the flow of data hurt themselves a lot, but they hurt everyone else as well," he writes.

#### **Gizmodo [The DNC Hack Was Much Bigger Than We Thought](#)**

The recent hack that targeted Democratic officials and led to the resignation of Democratic National Committee chairwoman Debbie Wasserman Schultz was much bigger than initially suspected, according to a new report from the New York Times. Sources tell the paper that over 100 officials and groups had their private email accounts breached, and the primary targets appear to include Hillary Clinton campaign officials. The Democratic Governors' Association may also have been affected. As a result, the FBI has widened its investigation, and authorities have begun reaching out to Democratic officials to tell them their accounts may have been compromised.

#### **Wired [Open Source Won. So, Now What?](#)**

THE GOVERNMENT IS now a little more open. This week, the White House released its first official federal source code policy, detailing a pilot program that requires government agencies to release 20 percent of any new code they commission as open source software, meaning the code will be available for anyone to examine, modify, and reuse in their own projects. The government agencies will also share more code with each other, essentially adopting open source practices within their own governmental universe.

#### **The Hill [Congressional leaders briefed last year on Russia hacking Dems: report](#)**

Key members of Congress have known that Russian hackers were targeting the Democratic Party for more than a year, Reuters reported Thursday. Intelligence officials are said to have met last summer with top members of both parties, who were barred from revealing the attack to its victims for fear of compromising intelligence gathering methods. The meeting included the top members of both parties in

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the House and Senate: Senate Majority Leader Mitch McConnell (R-Ky.) and Minority Leader Harry Reid (D-Nev.) and House Speaker Paul Ryan (R-Wis.) and Minority Leader Nancy Pelosi (D-Calif.); as well the top members from both parties in both chambers' Intelligence Committees, Sens. Richard Burr (R-N.C.) and Dianne Feinstein (D-Calif.) and Reps. Devin Nunes (R-Calif.) and Adam Schiff (D-Calif.).

#### New York Times [Too Poor to Afford the Internet](#)

All summer, kids have been hanging out in front of the Morris Park Library in the Bronx, before opening hours and after closing. They bring their computers to pick up the Wi-Fi signal that is leaking out of the building, because they can't afford internet access at home. They're there during the school year, too, even during the winter — it's the only way they can complete their online math homework. Last year, the Federal Communications Commission reaffirmed what these students already knew: Access to broadband is necessary to be a productive member of society.

## Notable Quotes

- *"In an opinion made public this week, U.S. District Judge James E. Boasberg for the District of Columbia became the first judge to publicly assess new gag-order rules issued by the attorney general as mandated by the USA Freedom Act of 2015. These require the government to revisit gag orders when an investigation ends or on the three-year anniversary of the original subpoena. But Boasberg said the rules contain "several large loopholes." And thus, he said, they "give the court some pause" as to whether they comply with the law."*

– [Ellen Nakashima, reporter, The Washington Post](#)

- *"Although the court took an important step in guarding privacy, those rights in the digital world still lag behind the long-established privacy rights in the physical one. Now the other two branches of government must act to address this gap. Congress needs to pass legislation to modernize a 30-year-old law governing electronic communications. And the Obama administration should implement the Privacy Shield agreement as soon as possible to address the ongoing confusion between data privacy and security practices across national boundaries."*

– [Julie Anderson, principal, AG Strategy Group](#)

- *"I love [encryption]. It not only protects me personally, it protects the FBI from theft, and stalking, and threatening. It is a great thing for all of us. I also love public safety, and being able to solve terrorism cases and child pornography cases. We can have an informed conversation as a democracy about what to do about it."*

– [James Comey, FBI Director](#)

- *"In general, social media companies should be very hesitant to comply with law enforcement demands in a manner that might circumvent a citizen's first amendment right to record interactions with the police."*

– [Lee Rowland, senior attorney, American Civil Liberty Union's Speech, Privacy, and Technology Project](#)

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- *"I just assumed like most people that NCMEC was some private, nonprofit group out there doing stuff on its own. But no, the court took a look at the federal funding, direction and control and said it's really an arm of the government."*

–[John Wesley Hall, defense attorney in United States v. Ackerman](#)

- *"This is yet another example of how oversight of the collection and use of bulk communication data has been frustrated. Without written records of when such intrusive datasets are accessed, it's impossible to know if safeguards were respected or if abuse occurred."*

–[Caroline Wilson Palow, lawyer, Privacy International](#)

- *"Private companies also need to work to check the excesses of governments, as major U.S. tech firms like Microsoft and Apple have already done in various legal battles."*

– [Michael Chertoff, former secretary of Homeland Security](#)

## Social Highlights

- **@AlexanderAbdo:** [Judge criticizes secrecy rules surrounding FBI requests for companies' data - The Washington Post](#)
- **@astepanovich:** [Comey doesn't want a "complex" conversation. He wants a simple one where he can scare everyone into taking his side.](#)
- **@astepanovich:** [Several decades, and the FBI will keep saying we must "start" a conversation on crypto until people take their side](#)
- **@FBI:** [FBI Director Comey spoke at the #ABAAnnual conference yesterday about #encryption and Going Dark.](#)
- **@arafatul:** [#Facebook denies reluctance to give data to German investigators via @dwnews #Germany](#)
- **@arstechnica:** [FBI chief Comey: "We have never had absolute privacy"](#)
- **@DavidPapp:** [Facebook in dispute with Germany over data requests as part of criminal inquiries](#)
- **@maxschrems:** [So under #PrivacyShield, redress \(p 95 of C-362/14\) relies on US FOIA requests.](#)
- **@NSArchive:** [DC Circuit judge criticizes "several large loopholes" in #FBI's national security letter practices #FOIA](#)
- **@RT\_com:** ['Incorrect requests': Facebook denies reluctance to work with German authorities](#)
- **@arstechnica:** [Judge blasts DOJ's refusal to explain stingray use in attempted murder case by @cfarivar](#)
- **@OrinKerr:** [The 10th Circuit rules that accessing e-mail is a Jones trespass, and why I am puzzled by that -- a deep dive.](#)