

# **Cyber Update**

## **14 January 2019**

### **By Michael Kans**

#### **Senate Committee Adds Security Subcommittee**

Last week, the Senate Commerce, Science, and Transportation Committee's new Chairman Roger Wicker (R-MS) [announced](#) the Subcommittees and Chairs for the 116th Congress. Considering the Committee's shared jurisdiction over cybersecurity, data security, privacy, consumer protection, and technology, the creation of a new Security Subcommittee may foretell a deeper focus on legislation and oversight of those issues. Wicker explained that the Security Subcommittee "will address the intersection of economic and national security" and that the other subcommittee jurisdictions have been "reconfigured." Senator Dan Sullivan (R-AK) will chair this new Subcommittee, but Senator Maria Cantwell (D-WA) has not yet named Ranking Members so it is unclear who Sullivan's Democratic counterpart will be.

New Senate Majority Whip and former committee chairman John Thune (R-SD) will take the gavel on the Communications, Technology, Innovation, and the Internet Subcommittee while Senator Jerry Moran (R-KS) will again chair a subcommittee (Manufacturing, Trade, and Consumer Protection) but it is unclear whether the latter will have a formal role in data security. In the last Congress, Moran took the lead in data security, privacy, consumer protection, and cybersecurity oversight for the Committee.

New House Energy and Commerce Committee Chairman Frank Pallone Jr. (D-NJ) [unveiled](#) the subcommittees and their jurisdiction for the new Congress. However, he did not name subcommittee chairs or subcommittee rosters. This committee shares jurisdiction with the House Judiciary, Homeland Security, Armed Services, Financial Services, and Science, Space, and Technology Committees over cybersecurity and data security issues.

Speaker of the House Nancy Pelosi (D-CA) did, however, announce the new Members recommended to serve on the House Energy and Commerce Committee:

- Congresswoman Nanette Barragán of California
- Congresswoman Lisa Blunt Rochester of Delaware
- Congresswoman Robin Kelly of Illinois
- Congresswoman Ann Kuster of New Hampshire
- Congressman A. Donald McEachin of Virginia
- Congressman Tom O'Halleran of Arizona

- Congressman Darren Soto of Florida
- Congressman Marc Veasey of Texas

The Democratic Steering Committee has recommended these Members for the committee, and it is usually a foregone conclusion that they will be officially named to the Committees once the Democratic Steering Committee has bestowed its imprimatur.

## **CIO/CISO Bill Pulled**

A bill to revamp the standing of the Chief Information Officer was scheduled to come to the House floor last week on the suspension calendar, but it was pulled from consideration. The “Federal CIO Authorization Act of 2019” ([H.R. 247](#)) was scheduled to be considered on January 10, but it was subsequently removed from the House floor schedule. Spokespersons for the sponsors, Representatives Will Hurd (R-TX) and Robyn Kelly (D-IL), indicated that this bill might not be considered in the House until after the shutdown ends. H.R. 247 is identical to a bill, the “Federal CIO Authorization Act of 2018” ([H.R. 6901](#)), the House overwhelmingly passed in December, but the Senate never took up the bill.

H.R. 247 would codify the positions of Chief Information Officer (CIO) and Chief Information Security Officer (CISO), make the positions presidential appointments, require the CIO to report directly to the Office of Management and Budget (OMB) Director, require each agency to submit reports on all IT expenditures to the CIO, and task the CIO with submitting a plan to Congress “for consolidating information technology across the Federal Government...and increasing the use of shared services, including any recommendations for legislative changes that may be necessary to effect the proposal.”

## **Members Call On FCC To Investigate Telecoms For Sharing User Location Data**

Last week, key Democrats urged the Federal Communications Commission (FCC) to investigate the claims in the [Motherboard article](#) that alleged “T-Mobile, Sprint, and AT&T are selling access to their customers’ location data.” If proven, these allegations could provide further impetus to Congress to legislate stricter privacy standards for those companies collecting, sharing, and selling the sensitive information of Americans.

House Energy and Commerce Committee Chairman Frank Pallone Jr. (D-NJ) sent a [letter](#) to the FCC asking for a briefing to explain why the FCC “has yet to end wireless carriers’ unauthorized disclosure of consumers’ real-time location data and what actions the FCC has taken to address this issue to date.” Pallone asserted that these

issues were addressed in the rewrite of telecommunications law in 1996, but that the FCC has “dragged its feet in protecting consumers.”

In his press release, Pallone summarized the recent history of allegations of service providers sharing location information:

Last May, investigative journalists and U.S. Senator Ron Wyden (D-OR) [helped](#) bring to light the ease with which consumers’ real-time location data was being made available to the public without the users consent. Following those revelations, the FCC [referred](#) the allegations to its Enforcement Bureau for investigation. In June, some wireless carriers publicly [committed](#) to addressing the issue and put an end to this unauthorized disclosure. Yet a new [report](#) this week indicates this unfortunate practice continues.

Three Senate Democrats also voiced their misgivings about the *Motherboard* report. Senator Kamala Harris (D-CA) asserted in a statement:

The American people have an absolute right to the privacy of their data, which is why I’m extraordinarily troubled by reports of this system of repackaging and reselling location data to unregulated third party services for potentially nefarious purposes. If true, this practice represents a legitimate threat to our personal and national security.

Senator Ron Wyden (D-OR) contended:

The industry has failed again and again to protect Americans’ information. It’s time for Congress to step in and pass strong privacy legislation, like my bill, to safeguard our data and hold companies accountable when they fail.