CONGRESSIONAL CYBERSECURITY OVERSIGHT: WHO'S WHO AND HOW IT WORKS

Lawrence J. Trautman*

Cybersecurity remains perhaps the greatest challenge to the economic and physical well being of governments, individuals, and businesses worldwide. During recent

* BA, The American University; MBA, The George Washington University; J.D., Oklahoma City University School of Law. Mr. Trautman is Assistant Professor of Business Law and Ethics, Western Carolina University, a former U.S. Senate staffer, and past president of the New York and Metropolitan Washington/Baltimore Chapters of the National Association of Corporate Directors.

The author wishes to extend particular thanks to the following for their assistance in the research and preparation of this article: Admiral B. R. Inman, U. S. Navy, (Ret.); Marc Aidinoff; Aaron Brecher; Bruce E. Cain; Jameson Doig; Chris Edelson; Lou Fisher; Brett Freedman; Eugene Gholz; Richard Hertling; Mitchell S. Kominsky; Ryan Leavitt; Genevieve Lester, Clark Mayer; Joseph Nye; Karen O'Connor; Sharyn O'Halloran; Richard Pious; Rob Reich; Charles Robbins; Timothy Robinson; Julie J.C.H. Ryan; Nicholas Seabrook; James Thurber; Tim Trautman; Craig Volden; Brantly Womack; Andrew Wright; and the many congressional staff members who perform important work and prefer to remain anonymous. All errors and omissions are my own.

months the United States has witnessed many disruptive and expensive cyber breaches. No single U.S. governmental agency or congressional committee maintains primary responsibility for the numerous issues related to cybersecurity. Good oversight stands at the core of good government. Oversight is Congress's way of making sure that the administration is carrying out federal law in the way Congress intended. So many aspects of cybersecurity have the potential for use by: terrorists; by foreign entities as a tool to conduct industrial espionage against U.S. business; and by nation state adversaries, or others intent upon creating serious disruption. These various threats mean that cybersecurity policy in many ways must be treated just like the strategic and operational plans of a country at war.

The purpose of this article is to provide a road map of the various congressional committees exercising jurisdiction over matters relating to cybersecurity. First, a few thoughts are offered about the role of Congressional oversight. Second, for perspective, a brief outline of how the executive branch, in the absence of legislation between 2002 and December 2014, handled responsibility for all things cyber. Next, a discussion of Congressional cybersecurity oversight for the 114th Congress is provided, including an analysis of committee jurisdiction, leadership, membership, and key staff. Finally, the important role contributed by professional congressional staff, the Government Accountability Office, Congressional Budget Office, and the Library of Congress Congressional Research Service (CRS) is covered. My hope is that this article will add to the important discussion and foster greater understanding about Congressional oversight of cybersecurity.

> We face a growing array of cyber threats from foreign intelligence services, terrorists, criminal groups, and hacktivists, who are increasing their capacity to steal, manipulate, or destroy information and networks in a manner that risks compromising our personal and national security. They do so via a manmade environment that is constantly evolving and through the use of techniques and capabilities that are continually changing.[1]
>
> Adm. Michael S. Rogers, USN
> *Director, National Security Agency*
> *Chief, Central Security Services*
> *Commander, U.S. Cyber Command*

[1] Hearing to Consider the Nomination of Vice Admiral Michael S. Rogers, USN to be Admiral and Director, National Security Agency/Chief, Central Security Services/Command-er, U.S. Cyber Command: Hearing Before the U.S. Senate, Committee on Armed Services of the, 113th Cong. (2014) (Statement of Adm. Michael S. Rogers, USN).

I. Overview

To paraphrase a statement attributed to Otto von Bismarck, "nobody should ever watch the making of either sausages or laws."[2] Cybersecurity remains perhaps the greatest challenge to the economic and physical well being of governments, individuals, and business worldwide. During recent months the United States has witnessed many cyber breaches of such entities as Target,[3] Home Depot,[4] the U.S. Postal Service,[5] and Sony Pictures Entertainment.[6] Of particular concern, data breaches

---

[2] CLAUDIUS O. JOHNSON, GOVERNMENT IN THE UNITED STATES 321 (Thomas Y. Crowell, New York, 1933). *See also* Abbe R. Gluck & Lisa Schultz Bressman, *Statutory Interpretation from the Inside—An Empirical Study of Congressional Drafting, Delegation and the Canons: Part I,* 65 STAN. L. REV. 901 (2013), *available at* http://ssrn.com/abstract=2244952 (discussing the realities of the legislative drafting process); Abbe R. Gluck & Lisa Schultz Bressman, *Statutory Interpretation from the Inside—An Empirical Study of Congressional Drafting, Delegation and the Canons: Part II,* 66 STAN. L. REV. 725 (2014), *available at* http://ssrn.com/abstract=2358074.

[3] *See generally* Lawrence J. Trautman, Managing Cyberthreat, 31 SANTA CLARA COMPUTER & HIGH TECH. L.J. (forthcoming), *available at* http://ssrn.com/abstract=2534119.

[4] *Id*. at __, *citing* Shelly Banjo, *Home Depot Hackers Stole Buyer Email Addresses,* WALL ST. J., Nov. 7, 2014 at A1; Michael Calia, *Breach Plagues Home Depot,* WALL ST. J., Nov. 19, 2014 at B3 (reporting estimated cost of hacking to be $34 million during 2014).

[5] *Id*. at __, *citing* Laura Stevens & Danny Yadron, *Postal Service Hit by a Vast Data Breach,* WALL ST. J., Nov. 11, 2014 at A4; Center for Strategic & International Studies, Significant Cyber Incidents Since 2006, *available at* http://csis.org/files/publication/141211_Significant_Cyber_Incidents_Since_2006.pdf (last viewed Sept. 2, 2015).

[6] *Id*. at __, *citing* Center for Strategic & Int'l Studies, Significant

during 2015 of sensitive information at the U.S. Office of Personnel Management resulted in a serious threat to national security, since "the Social Security Numbers (SSNs) of 21.5 million individuals were stolen from the background information databases. This includes 19.7 million individuals that applied for a background investigation, and 1.8 million non-applicants… [and] findings from interviews conducted by background investigators and approximately 1.1 million include fingerprints[,] [u]sernames and passwords[.]"[7] The terms cybersecurity and cyberattack have become broadly used without widespread acceptance as to their exact meaning. Professor David Thaw has observed that, "the terms are too-often used broadly to include all of electronic crimes,[8]

Cyber Incidents Since 2006, *available at* http://csis.org/files/publication/141211_Significant_Cyber_Incidents_Since_2006.pdf (reporting item 172, that 'Sony Pictures Entertainment is hacked, with the malware deleting data and the hackers posting online employees' personal information and unreleased films. The incident is similar to earlier hacks against South Korean media outlets) (last viewed Dec. 29, 2014). *See also* Adrienne Debigare, Rebekah Heacock Jones & Jiou Park, *2014 Year In Review,* In Urs Gasser, Jonathan Zittrain, Robert Faris & Rebekah Heacock Jones, *Internet Monitor 2014: Reflections on the Digital World: Platforms, Policy, Privacy, and Public Discourse,* 12, 22 (Dec. 15, 2014); Berkman Center Research Publication No. 2014-17, *available at* http://ssrn.com/abstract=2538813; Lawrence J. Trautman, The SONY Data Hack: Implications for World Order, (unpublished paper, forthcoming).

[7] Information About OPM Cybersecurity Incidents, U.S. Office of Personnel Management, *available at* *https://www.opm.gov/cybersecurity/* (last viewed Sept. 2, 2015).

[8] *See* David Thaw, *The Efficacy of Cybersecurity Regulation,* 30 GA. ST. U. L. REV. 287, 288 (2014), *available at* http://ssrn.com/abstract=2241838, *citing* David Thaw, *Criminalizing Hacking, Not Dating: Reconstructing the CFAA Intent Requirement,* J.

military action,[9] domestic guard/homeland security activities,[10] corporate risk management,[11] financial security,[12] and a wide spectrum of other activities related to

---

CRIM. L. & CRIMINOLOGY, 907 (2013), *at* http://ssrn.com/abstract=2226176. *See also* Lawrence J. Trautman & George P. Michaely, *The SEC & The Internet: Regulating the Web of Deceit,* 68 CONSUMER FIN. L.Q. REP. 262 (2014), *at* http://www.ssrn.com/abstract=1951148.

[9] *See* Thaw, *supra* note 8 at 287, 288, *citing Hearing Before the S. Comm. on Armed Servs.,* 113th Cong. (Mar. 12, 2013) (Statement of Gen. Keith B. Alexander, Commander, U.S. Cyber Command).

[10] *See* Thaw, *supra* note 8 at 287, 288, *citing* Jennifer Martinez, *Senators Introduce Bill to Create Teams of Cyber Guardsmen at State-level,* THE HILL (Mar. 22, 2013), *available at* http://thehill.com/blogs/hillicon-valley/technology/289931-senators-introduce-bill-to-create-teams-of-cyber-guards-at-state-level (last viewed Sept. 2, 2015). *See also* Lawrence J. Trautman, *The Board's Responsibility for Crisis Governance* (forthcoming), *available at* http://ssrn.com/abstract=2623219.

[11] *See* Thaw, *supra* note 8 at 287, 288, *citing CSO40 Security Confab + Awards,* CSO ONLINE, *available at* http://www.csoconfab.com/ehome/index.php?eventid=48220&tabid=95096&categoryid=345082&discountcode=NLP& (last viewed Sept. 2, 2015). *See also* Lawrence J. Trautman, *E-Commerce and Electronic Payment System Risks: Lessons from PayPal,* 16 U.C. DAVIS BUS. L.J. (forthcoming), *available at* http://www.ssrn.com/abstract=2314119; Lawrence J. Trautman, *Who Qualifies as an Audit Committee Financial Expert Under SEC Regulations and NYSE Rules?,* 11 DEPAUL BUS. & COM. L. 205 (2013) (importance of cyber expertise on board audit committee), *available at* http://www.ssrn.com/abstract=2137747; Lawrence J. Trautman, *The Matrix: The Board's Responsibility for Director Selection and Recruitment,* 11 FLA. ST. U. BUS. REV. 75 (2012) (importance of cyber skills represented on the board), *available at* http://www.ssrn.com/abstract=1998489; Lawrence J. Trautman, *Who Sits on Texas Corporate Boards? Texas Corporate Directors: Who They Are and What They Do,* 16 HOUS. BUS. & TAX L.J. 44 (2016), *available at* http://ssrn.com/abstract=2493569.

[12] *See* Thaw, *supra* note 8 at 287, 288, *citing* Antone Gonsalves,

computers, the Internet, privacy, and other similar topics."[13] No single U.S. governmental agency or congressional committee maintains primary responsibility for the numerous issues related to cybersecurity. It is observed that "good oversight stands at the core of good government. It is Congress's way of making sure that the administration is carrying out federal law in the way Congress intended."[14]

The purpose of this article is to provide a road map of the various congressional committees exercising jurisdiction over matters relating to cybersecurity. First, a few thoughts are offered about the role of Congressional oversight. Second, for perspective, a brief outline of how the executive branch, in the absence of legislation between 2002 and December 2014,[15] handled responsibility for all

---

Largest Banks Under Constant Cyberattack, feds say, CSO ONLINE (Nov. 2, 2012), *available at* http://www.csoonline.com/article/720584/largest-banks-under-constant-cyberattack-feds-say ((last viewed Sept. 2, 2015). *See also* Lawrence J. Trautman, Jason Triche & James C. Wetherbe *Corporate Information Governance Under Fire,* 8 J. STRATEGIC & INT'L STUD. 105 (2013), *available at* http://ssrn.com/abstract=2314119. Lawrence J. Trautman & Kara Altenbaumer-Price, *The Board's Responsibility for Information Technology Governance*, 28 J. MARSHALL J. COMPUTER & INFO. L. 313 (2011), *available at* http://www.ssrn.com/abstract=1947283; Lawrence J. Trautman & Kara Altenbaumer-Price, *D&O Insurance: A Primer*, (with Kara Altenbaumer-Price), 1 AM. U. BUS. L. REV. 337 (2012), *at* http://www.ssrn.com/abstract=1998080.

[13] *See* Thaw, *supra* note 8 at 287, 288, *citing* Bill Brenner, ed., *Digital Spotlight: Cybersecurity,* CSO (Feb./Mar. 2013), *available at* http://resources.idgenterprise.com/original/AST-0082567_FEB4digi_0214i.pdf (last viewed Sept. 2, 2015).

[14] LEE H. HAMILTON, HOW CONGRESS WORKS AND WHY YOU SHOULD CARE, 106 (Indiana University Press 2004).

[15] *See generally* Mitchell S. Kominsky, *The Current Landscape of*

things cyber. Next, a discussion of Congressional cybersecurity oversight for the 114th Congress is provided, including an analysis of committee jurisdiction, leadership, membership, and key staff. Finally, the important role contributed by professional congressional staff, the Government Accountability Office, Congressional Budget Office, and the Library of Congress Congressional Research Service (CRS) is covered. My attempt to include an up-to-date guide to relevant congressional staff will inevitably fail. No doubt, many staffers will have moved on either before or shortly after this article is published. However, it is my hope that these pages will add to the important discussion and foster greater understanding about the Congressional oversight of cybersecurity.

II. Role of Congressional Oversight

The concept of Congressional oversight is firmly rooted as fundamental to the American system of governmental checks and balances among the three branches of government.[16] Walter Oleszek observes that

---

Cybersecurity Policy: Legislative Issues in the 113th Congress, HARV. NAT'L SEC. J. (Feb. 6, 2014), *citing* Eric A. Fischer, *Federal Laws Relating to Cybersecur-ity: Overview and Discussion of Proposed Revisions*, *at* https://www.fas.org/sgp/crs/natsec/R42114.pdf, *available at* *http://harvardnsj.org/2014/02/the-current-landscape-of-cybersecurity-policy-legislative-issues-in-the-113th-congress/* (last viewed Sept. 2, 2015).

[16] *See generally* Brian D. Feinstein, *Avoiding Oversight: Legislator Preferences & Congressional Monitoring of the Administrative State,* 8 J. L. ECON. & POL'Y (2011), *available at* http://ssrn.com/abstract=1747044; J.R. DeShazo & Jody Freeman, *The Congressional Competition to Control Delegat-ed Power,* 81 TEX. L. REV. 1443 (2003); Brian D. Feinstein, *Congressional Control of Administrative Agencies, available at*

"the first congressional investigation in American history, in 1792, delved into the conduct of the government in the wars against the Indians."[17]

---

http://ssrn.com/abstract=2304497; Jack Michael Beermann, *Congressional Administration,* 43 SAN DIEGO L. REV. 61 (2006), *available at* http://ssrn.com/abstract=740245; Stephen Schulhofer, *Secrecy and Democracy: Who Controls Infor-mation in the National Security State?,* NYU School of Law, Public Law Research Paper No. 10-53 (2010), *available at* http://ssrn.com/abstract=1661964; Kathleen Clark, *Congress's Right to Counsel in Intelligence Oversight,* 2011 U. ILL. L. REV. 915 (2011), *at* http://ssrn.com/abstract=1744422; Daniel Abebe, *The Global Determinants of U.S. Foreign Affairs Law,* 49 STAN. J. INT'L L. 1 (2013), *available at* http://ssrn.com/abstract=2120639; Susan Freiwald & Sylvain Métille, *Reforming Surveillance Law: The Swiss Model,* 28 BERKELEY TECH. L.J. (2013), *available at* http://ssrn.com/abstract=2369075 (discussing regulation of electronic surveillance and comparing the U.S. and Swiss approach); William P. Marshall, *The Limits of Congress's Authority to Investigate the President,* 2004 U. ILL. L. REV. 781 (2004), *at* http://ssrn.com/abstract=626541; Jack Michael Beermann, *The Turn Toward Congress in Administrative Law,* 89 B.U. L. REV. (2009), *at* http://ssrn.com/abstract=1345173; Jamelle Sharpe, *Judging Congressional Oversight,* 65 ADMIN. L. REV. 183 (2013), *at* http://ssrn.com/abstract=2311121; Brian D. Feinstein, Supplement To: Congressional Control of Administrative Agencies (2013), *available at* http://ssrn.com/abstract=2073774; Kathleen Clark & Nino Lomjaria, Limited Oversight: Legislative Access to Intelligence Information in the United States and Canada, University of Washington School of Law Research Paper No. 12-04-07 (2011), *at* http://ssrn.com/abstract=2053455; Scott H. Ainsworth, Brian Harward & Kenneth W. Moffett, Presidential Signing Statements, Executive Orders and Congressional Oversight, APSA 2014 Annual Meeting Paper, *available at* http://ssrn.com/abstract=2454953; CRAIG VOLDEN & ALAN E. WISEMAN, LEGISLATIVE EFFECTIVENESS IN THE UNITED STATES CONGRESS: THE LAWMAKERS (Cambridge University Press 2014).

[17] *See* WALTER J. OLESZEK, CONGRESSIONAL PROCEDURES AND THE POLICY PROCESS 264 (Cong. Q. 3rd ed. 1989).

Professors Cochran, Mayer, Carr and Cayer observe that

> Government, first, exists to provide *security* from internal and external threats to the lives, liberties, and properties of its members. National defense and foreign policy are examples of this purpose. Another is crime policy, which intends to establish order and to protect citizens from each other through crime prevention and the punishment of criminals.[18]

It is often observed that "committees are where the *real* work" of Congress is achieved.[19] Lee H. Hamilton, U.S. Representative from 1965 to 1999, observes that "good oversight helps Congress evaluate how programs are administered and how they perform—ferreting out waste and fraud, determining whether programs have out lived their usefulness, compelling the administration to explain or justify its policies."[20]

While congressional oversight activity can take any of several forms,[21] "formal committee and subcommittee

---

[18] *See* CLARKE E. COCHRAN, LAWRENCE C. MAYER, T.R. CARR & N. JOSEPH CAYER, AMERICAN PUBLIC POLICY: AN INTRODUCTION, 4 (Thomson Wadsworth, 2003).

[19] *See generally* TOM DASCHLE & CHARLES ROBBINS, THE U.S. SENATE 72 (2013); Brian D. Feinstein, Congressional Government Rebooted: Randomized Committee Assignments & Legislative Capacity, 7 HARV. LAW & POL'Y REV. 601 (2013), *available at* http://ssrn.com/abstract=2068734.

[20] Hamilton, *supra* note 14 at 107.

[21] *See* Feinstein *supra* note 16 at 6, *citing* JOEL D. ABERBACH, KEEPING A WATCHFUL EYE: THE POLITICS OF CONGRESSIONAL OVERSIGHT 132 (1990) (considering the informal communication between

oversight hearings are the most firmly rooted form of oversight."[22] Brian Feinstein observes that while

---

congressional staffers and agencies' legislative liaisons as a form of oversight); WILLIAM T. GORMLEY: TAMING THE BUREAUCRACY 199 (1989) (arguing that some constituent casework can be considered a form of oversight); Carl J. Friedrich, *Public Policy and the Nature of Administrative Responsibility,* 1 PUB. POL. 6 (Carl J. Friedrich & Edward Mason eds., 1940) (asserting that policymaking "is a continuous process, the formulation of which is inseparable from its execution"); Keith W. Smith, Styles of Oversight: Congressional Committee Oversight of the Executive Branch 42 (2005) (unpublished Ph.D. dissertation, University of California, Berkeley) (on file with Moffitt Library, Berkeley); Jonathan Bendor & Adam Meirowitz, *Spatial Models of Delegation,* AM. POL. SCI. REV. 293 (2004); Matthew D. McCubbins, Roger G. Noll & Barry R. Weingast, *Administrative Procedures As Instruments of Political Control,* 3 J. L. ECON. & ORGAN. 243 (1987); Matthew D. McCubbins & Thomas Schwartz, *Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms,* 28 AM. J. POL. SCI. 165 (1984) (describing alternative methods of oversight); Matthew D. McCubbins, Roger G. Noll & Barry R. Weingast, *Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies,* 75 VA. L. REV. 431 (1989) (administrative procedure design to facilitate oversight).

[22] *See* Feinstein *supra* note 16 at 7, *citing* Cong. Research Serv., *Congressional Investigations,* CRS Annotated Constitution 90, *available at* http://www.law.cornell.edu/anncon/html/art1frag9_user.html ("The Court has long since accorded its agreement with Congress that the investigatory power is so essential to the legislative function as to be implied from the general vesting of legislative power in Congress."); *see also* Jack M. Beerman, *Congressional Administration,* 43 SAN DIEGO L. REV. 61, 64-64 (2006) (observing that "Congress is deeply involved in the day to day administration of the law" as "insufficiently noted in legal scholarship"); Beerman, *id.* at 122 (explaining how the Legislative Reorganization Act of 1946 rearranged committee jurisdictions and formed professional oversight staffs for certain committees, thereby establishing long-lasting oversight institutions). *But see* Mark Seidenfeld, *The Psychology of Accountability and*

"Congress began holding oversight hearings as early as 1791[,][23] according to Arthur Schlesinger, Jr., the Constitution does not explicitly refer to Congress's oversight authority for the simple reason that such authority was considered implicit in the body's general legislative powers; in other words, oversight was considered a given."[24] By virtue of the oversight process, "Congress has played a crucial role in checking the abuse of executive powers… in the Teapot Dome scandal of 1923… in the cases of Watergate and Iran-Contra… members of Congress have unearthed many policy failures, saved taxpayers billions of dollars, and identified corrupt or illegal behavior."[25] Hamilton observes, "Passing legislation and providing oversight are two key functions of Congress, but almost all the attention goes to legislating. I agree with Woodrow Wilson who said 'Quite as important as lawmaking is vigilant oversight of administration.'"[26] Almost "all legislation is referred to a committee, and

---

Political Review of Agency Rules, 51 DUKE L.J. 1059 (2001); Jonathan R. Macey, *Organizational Design and Political Control of Administrative Agencies,* 8 J.L. ECON. & ORG. 93 (1992).

[23] *See* Feinstein *surra* note 16 at 7 *citing* M. Nelson McGeary, *Congressional Investigations: Historical Development*, 18 U. CHI. L. REV. 425 (1951) (observing that the House of Representatives in 1791 convened a special committee to investigate the U.S. Army's defeat by Native American forces in the Battle of the Wabash).

[24] *See* Feinstein *supra* note 16 at 7 *citing* Arthur M. Schlesinger, Jr., *Introduction,* In CONGRESS INVESTIGATES: A DOCUMENTED HISTORY, 1792-1974, VOL. 1, xix (Arthur M. Schlesinger, Jr. & Roger Bruns eds., 1975) ("[I]t was not considered necessary to make an explicit grant of such authority. The power to make laws implied the power to see whether they were faithfully executed.").

[25] Hamilton, *supra* note 14 at 106.

[26] *Id. citing* WOODROW WILSON, CONGRESSIONAL GOVERNMENT, 195 (1885).

sometimes to more than one. 'Writing legislation on the floor'—sending matters directly for full Senate debate--doesn't allow committee experts to shape the bill first, and is discouraged."[27] With the 1946 Legislative Reorganization Act, oversight responsibility was formally recognized by Congress in requiring "that the House and Senate standing committees exercise 'continuous watchfulness of the execution by the administrative agencies' of any law under their jurisdiction."[28]

Many cybersecurity issues are often the same or similar to those falling under the jurisdiction of the Department of Homeland Security (DHS). During an interview conducted by National Public Radio, DHS Deputy Secretary Jane Holl Lute disclosed that 108 committees and subcommittees exercised jurisdiction over DHS during the 110th Congress.[29] Professors Clinton, Lewis, and Selin find that "an increase in the number of committees also undercuts the ability of Congress to respond collectively to the actions of the presidency or the bureaucracy."[30] These survey results further indicate that "when more committees are involved in monitoring and

---

[27] *See* DASCHLE & ROBBINS, *supra* note 19 at 72.

[28] *See* HOW CONGRESS WORKS, CONGRESSIONAL QUARTERLY 88 (1983).

[29] *See* Michele Norris, *Who Oversees Homeland Security? Um, Who Doesn't?,* National Public Radio (July 10, 2010), *available at* http://npr.org/templates/story/story.php?storyId=128642876 (last viewed July 29, 2015).

[30] *See* Joshua David Clinton, David E. Lewis & Jennifer Lee Selin, *Influencing the Bureaucracy: The Irony of Congressional Oversight,* 3 (2012), *available at* http://ssrn.com/abstract=2050734 (reporting a survey conducted during the 110th Congress, 2007-2009, of 2,400 federal executives responsible for implementing agency policy in 128 different agencies and bureaus).

potentially directing agency policymaking, Congress is less influential than the president for determining agency policy. Increasing the number of involved committees may maximize the electoral benefits for members and provide a platform for making public proclamations on issues of importance…"[31] Although somewhat dated, *Congressional Quarterly* lists the following ways in which the oversight functions are exercised by Congress:

1. Hearings and investigations…
2. [Omitted, due to change in law]…
3. Authorizations…
4. Nonstatutory controls, such as informal contacts between executive officials and committee members and staff, and statements incorporated in committee reports and conference reports, hearings and floor debates…
5. [Government Accountability Office] [GAO] audits of agencies and programs;
6. Requirements that executive agencies submit to Congress periodic reports on program implementation;
7. Informal groups within Congress and organizations outside Congress that inform members about specific problems in administering programs;
8. The Senate confirmation process…
9. Program evaluation through the use of social science and management methodology, such as surveys, cost-benefit analysis and efficiency studies;

[31] *Id*. at 2.

10. Casework…; and
11. Studies by congressional support agencies, including the Congressional Research Service, the Office of Technology Assessment and the Congressional Budget Office.[32]

A. INHERENT TENSION SURROUNDING NATIONAL SECURITY MATTERS

Sensitive information, which has national security significance, must be safeguarded to ensure the vital national security interests of any nation state. So many aspects of cybersecurity have the potential for use by: terrorists; foreign entities as a tool to conduct industrial espionage against U.S. business; and nation state adversaries, or others intent upon creating serious disruptions. These various threats mean that cybersecurity policy in many ways must be treated just like the strategic and operational plans of a country at war.[33]

---

[32] CONGRESSIONAL QUARTERLY, *supra note* 28 at 88. *See also* Matthew M. Dull, Patrick Roberts, Michael Keeney & Sang Ok Choi, *Appointee Confirmation and Tenure: The Succession of U.S. Federal Agency Appointees 1989-2009*, 72 PUB. ADMIN. REV. 902 (2012), *available at* http://ssrn.com/abstract=1450719.

[33] *See* generally Anne Joseph O'Connell, *The Architecture of Smart Intelligence: Structuring and Overseeing Agencies in the Post-9/11 World,* 94 CAL. L. REV. 1655 (2006), *available at* http://ssrn.com/abstract=955976; Philip Alston, *The CIA and Targeted Killings Beyond Borders,* 2 HARV. NAT'L SEC. J. 283 (2011); Kenneth Anderson, *Law and Terror,* 139 POL'Y REV. (Oct./Nov. 2006); Eric Lorber, Note, *Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?,* 15 U. PA. J. CONST. L. 961 (2013); Peter Margulies, *The NSA in Global Perspective: Surveillance, Human*

Admiral Bob Inman, USN (Retired) is former Director of the National Security Agency, Deputy Director of Central Intelligence, an experienced venture capitalist and seasoned corporate director of many well known and important U.S. corporations such as AT&T, Fluor, SAIC,

---

Rights, and International Counterterrorism, 82 FORDHAM L. REV. 2137 (2014), *available at* http://ssrn.com/abstract=2383976; Mariano-Florentino Cuéllar, *'Securing' the Nation: Law, Politics, and Organization at the Federal Security Agency, 1939-1953,* 76 U. CHI. L. REV.587 (2009), *available at* http://ssrn.com/abstract=942447; Heidi Kitrosser, *Congressional Oversight of National Security Activities: Improving Information Funnels,* 29 CARDOZO L. REV. 1049 (2008), *available at* http://ssrn.com/abstract=995014; Aaron Brecher, Note, *Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyber-operations*, 111 MICH. L. REV. 423 (2012), *available at* http://ssrn.com/abstract=1980976; Scott Shackelford & Scott L. Russell, *Above the Cloud: Enhancing Cybersecurity in the Aerospace Sector*, 10 FIU. L. REV. 635 (2015), *available at* http://ssrn.com/abstract=2512905; Trey Herr & Allan Friedman, *Redefining Cybersecurity,* 8 DEF. TECH. PROGRAM BRIEF, AMERICAN FOREIGN POLICY COUNCIL (Jan. 2015), *available at* http://ssrn.com/abstract=2558265; William C. Banks, Director, Inst. for Nat'l Sec. & Counterterrorism, Syracuse University, Keynote Address at the Texas A&M Law Review Symposium: Cyber Espionage, Surveillance, and International Law: Finding Common Ground (Oct. 17, 2014), *available at* http://ssrn.com/abstract=2558155; Michael N. Schmitt, The Law of Cyber Targeting, Tallinn Paper No. 7 (2015), *available at* http://ssrn.com/abstract=2550425; Peter Margulies, *Sovereignty and Cyber Attacks: Technology's Challenge to the Law of State Responsibility,* 14 MELBOURNE J. OF INT'L L.496 (2013), *at* http://ssrn.com/abstract=2557517; David G. Delaney, *Cybersecurity and the Administrative National Security State: Framing the Issues for Federal Legislation,* 40 J. LEGIS. 251 (2013-14), *available at* http://ssrn.com/abstract=2543588; Scott Shackelford & Andraz Kastelic, *Toward a State-Centric Cyber Peace? Analyzing the Role of National Cybersecurity Strategies in Enhancing Global Cybersecurity,* Kelley Sch. of Bus. Res. Paper No. 15-4 (2014), *at* http://ssrn.com/abstract=2531733.

Xerox (just to name a few). In the author's opinion, Admiral Inman is perhaps the most experienced and thoughtful senior executive in the U.S. intelligence community. During congressional testimony, Admiral Inman counseled

> For the public support, [oversight] will be critical for funding and sustaining a significant level of intelligence activities by the country in the years ahead. There has to be oversight. The media would like to do it. It's not feasible with the issues of protection of sources and methods, so there must be mechanisms in both the Congress and the executive branch which work. Optimally, I would prefer a joint committee for oversight in the Congress. There may be other reasons that that's simply not achievable, not practical… The oversight activities must be bipartisan in their daily conduct for them to be fully effective… I don't have great confidence in an Inspectors General process for focusing on the broad issues. They're good for trying to ferret out corruption, criminal activity, but the President, any President needs wise advice that constantly is assessing, are the country's needs being met where they don't have the requirement for institutional loyalty.[34]

During his Senate confirmation hearings to become Deputy Director of Central Intelligence, Robert M. Gates

---

[34] *Hearing of the Commission on the Roles and Capabilities of the United States Intelligence Community,* 104th Cong. (1996) (statement of Admiral Bob Inman, USN (Retired), former Director of the National Security Agency and Deputy Director of Central Intelligence).

said, "Intelligence is a force multiplier for military operations. It more than pays for itself. There's no sense in building new weapons if you can't detect and assess enemy threats, or even identify targets during crisis."[35] Gates believes that congressional oversight of the U.S. intelligence community and activities is "a key element in preserving intelligence programs, and in maintaining public understanding and support for intelligence."[36] Indeed, "the gravest danger facing intelligence is that intelligence studies, or even intelligence operations, may become influenced by policy or even political influences. Every effort must be made to see that intelligence reports and analyses are not made into props for policymakers. Intelligence has to be completely objective."[37]

> Oversight has created an environment that fosters adherence to the rules at all levels and discourages corner cutting or abuses. The committees have contributed to improving the quality of our work and to efficiency. And, finally, the congressional committees and executive oversight organizations such as the Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board should give Americans confidence that their intelligence service is accountable, carries out its activities according to the law and that we are guided by standards and values acceptable to them.

---

[35] Nomination of Robert M. Gates to be Deputy Director of Central Intelligence: Hearing Before the Select Committee on Intelligence of the U.S. Senate, 99th Cong. (1986) (Statement of Robert M. Gates).
[36] *Id*.
[37] *Id*.

> The relationship between the congressional oversight committees and the intelligence community is unique in the world – the first attempt ever to conduct secret intelligence operations accountable to the people and responsible to the law and to the Congress. While the oversight process may occasionally lead to frictions in the gray area resulting from the overlap between congressional authorities and the duties of the executive, it has now been the practice of both branches of Government for 10 years now to try to resolve such difficulties in a spirit of comity and mutual understanding. This unique relationship between us depends on mutual trust, candor, and respect and I assure you I intend to conduct myself with this in mind…
>
> Because intelligence is secret and our Agency is closed to public scrutiny, I believe we must take the initiative to reach out to policy-makers, the Congress, the private sector, and critics and experts of all stripes for help in improving the substance of our work, our efficiency and our effectiveness… Intelligence must be relevant, timely, and responsive to the real requirements of the policymaker if it is to be useful and effective. And relevance can be insured only by a close, day to day, working relationship. At the same time, intelligence must remain independent. Our very existence depends upon a reputation for integrity and for objectivity.[38]

---

[38] *Id.* at 40.

Admiral Michael S. Rogers was questioned at length by Senators McCain, Reed, Inhofe, Wicker, Ayotte, Lee, Manchin, Blumenthal, Donnelly, Kaine and King during his confirmation hearing to become: Director of the National Security Agency; Chief, Central Security Services; and Commander, U.S. Cyber Command. When asked by Senator Tim Kayne to speak about the "unique challenges in defining 'war' in cyberspace, what war is, what hostilities are, what military action is," Admiral Rogers responded

> Whatever we do within the cyber arena, international law will pertain; that if we find ourselves getting to a point where we believe that cyber is taking us down an armed conflict scenario, that the rules and the law of armed conflict will pertain every bit as much in this domain as it does in any other. I don't think cyber is inherently different in that regard. I think those sets of procedures, those sets of policies and law, as a Nation have stood us in good stead. I think they represent a good point of departure for us.
>
> Senator KAINE: … Would it be your view then that pure cyber war – somebody wipes out our grid and then we think about taking activity to respond – is that not war? It could have a huge effect on human life. It could have huge effect on the economies of the two nations. Is that not war unless it then leads to armed conflict?
>
> Admiral ROGERS: … I believe that an offensive, destructive act that has significant impact for us, I believe now we're starting to get on the boundaries of is that an act of war. Now, everything varies on a case by case basis and I'm

always concerned about broad general statements.[39]

Professor Frederick R. Chang, former National Security Agency ("NSA") Director of Research said in congressional testimony that, "we are paying a heavy price for our technological dependence and the problem is worsening with the passage of time. Our trust in cyberspace has been taken from us by hackers, cybercriminals and sophisticated cyber attackers who intend to do us harm."[40] Towards the end of 2010 Senator John McCain observed

> CYBERCOM was established… by the Secretary of Defense… Since then I have shared the concerns… about ensuring that the role, mission, legal authorities, and rules of engagement that CYBERCOM will employ are well thought out and understood… The Department must have a centralized command to address the challenges of

---

[39] Nomination of VADM Michael S. Rogers, USN, to be Director, National Security Agency/Chief, Central Security Services/Commander, U.S. Cyber Command: Hearing Before the Committee on Armed Services of the U.S. Senate, 113th Cong. 42 (2014) (Statement of Vice Admiral Michael S. Rogers). *See also* Lawrence J. Trautman, *Is Cyberattack the Next Pearl Harbor?,* 18 N.C.J.L. & Tech. (2017) (depicting the impact of a fictional cyber attack on the United States), *available at* http://ssrn.com/abstract=2711059.

[40] Cyber R&D Challenges and Solutions: Hearings Before the H. Committee on Science, Space & Technology, Subcommittee on Technology and the Subcommittee on Research, 113th Cong. (2013) (statement of Frederick R. Chang, President & COO, 21CT, Inc. and former director of research at the U.S. National Security Agency), *available at http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg79926/html/CHRG-113hhrg79926.htm* (last viewed Sept. 2, 2015).

> cyber warfare, to provide the support to the regional combatant commands, and to ensure that DOD, while focused on its own military networks and information grid, also is ready, if directed by the President, to assume a position of leadership and support to civilian authorities in this regard.
>
> Continuing intrusions and attacks by difficult to identify and locate actors on our civilian and military networks and web sites demand not only a robust defensive capability, but the ability to respond offensively when the circumstances call for it. One need only consider the examples of cyber warfare conducted against the Republic of Georgia in 2008 and Estonia in 2007 to appreciate the nature of this form of modern warfare.[41]

Thoughtful observers remain mindful that "the issue of congressional oversight of intelligence is complex, combining as it does the political and structural complexities of Congress with the difficulty of monitoring something of strategic significance that, by definition, operates in the shadows."[42] Professor Jennifer Kibbe stated

---

[41] Nomination Before the Senate Armed Services Committee: Nominations of VADM James A. Winnefeld, Jr., USN, to be Admiral and Commander, U.S. Northern Command/Comm-ander, North American Aero-Space Defense Command; and LTG Keith B. Alexander, USA, to be General and Director, National Security Agency/Chief, Central Security Service/ Commander, U.S. Cyber Command, 111th Cong. 148 (2010) (Statement of U.S. Senator John McCain).

[42] *See* Jennifer Kibbe, *Congressional Oversight of Intelligence: Is the Solution Part of the Problem?,* 25 INTELLIGENCE & NAT'L SEC. 24 (2010). *See generally* GENEVIEVE LESTER, WHEN SHOULD STATE SECRETS STAY SECRET? (Cambridge University Press 2015).

that "intelligence is more crucial than ever to national security, but as the executive branch and the intelligence community try to maximize the utility of intelligence in meeting national security needs, it is imperative that the congressional overseers meet their obligations as well."[43] Professor Kibbe offers the following three reasons that congressional oversight of intelligence-related issues is particularly important

> 1. The first, most obvious reason is the inherent secrecy of the subject…
> 2. [Because] 'the intelligence community is constrained in its ability to convince the American public that it can be trusted and deserves their support,' Congress also plays an important role in explaining and representing the intelligence community to the public; and
> 3. A third-reason legislative over-sight is so important is that, done well, it helps to improve the intelligence product, whether that means collection, analysis or covert action. When adminis-tration and intelligence officials know that they will have to explain a funding choice or particular operation to Congress, it has the effect of adding a layer to their own internal vetting.[44]

---

[43] *See* Kibbe, supra note 42 at 25.

[44] *Id*. *citing* Suzanne E. Spaulding, *Building Checks and Balances for National Security Policy: The Role of Congress,* 2 ADVANCE: THE JOURNAL OF THE AMERICAN CONSTITUTION SOCIETY 73 (2008). *See*

III. The Executive Branch and Cybersecurity

The American constitutional concept of separation of powers "is based on the notion that governmental power must be divided among counterimposed institutions in order to prevent the accumulation of power in any single part of government."[45] Many scholars have written about presidential powers and congressional limits to the powers of the executive branch.[46] Manheim and Ides also point to

also Kathleen Clark, *Congress's Right to Counsel in Intelligence Oversight*, 2011 U. ILL. L. REV. 915 (2011), *at* http://ssrn.com/abstract=1744422; Kathleen Clark, Congressional Access to Intelligence Information: The Appearance of a Check on Executive Power (June 15, 2012), Washington University in St. Louis Legal Studies Research Paper No. 12-07-02, *available at* http://ssrn.com/abstract=2112081.

[45] *See* Karl M. Manheim & Allan Ides, *The Unitary Executive,* L.A. LAWYER 2 (2006), *at* http://ssrn.com/abstract=943046.

[46] *See* Lawrence Lessig & Cass R. Sunstein, *The President and the Administration,* 94 COLUM. L. REV. 1 (1994); Steven G. Calabresi & Saikrishna B. Prakash, *The President's Power to Execute the Laws,* 104 YALE L.J. 541 (1994-95); Jennifer Nou, *Agency Self-Insulation Under Presidential Review,* 126 HARV. L. REV. 1755 (2013); Peter L. Strauss, *Overseer, or 'the Decider'? The President in Administrative Law,* 75 GEO. WASH. L. REV. 695 (2007); Matthew Stephenson, Bureau-cratic Decision Costs and Endogenous Agency Expertise, Harvard Law and Economics Discussion Paper No. 553 (2006), *available at* http://ssrn.com/abstract=921439; Sudha Setty, *The President's Question Time: Power, Information and the Executive Credibility Gap,* 17 CORNELL J. L. & PUB. POL'Y 247 (2008), *at* http://ssrn.com/abstract=989613; Andrew McCanse Wright, Constitutional Conflict and Congressional Oversight, 98 MARQ. L. REV. 881 (2014), *available at* http://ssrn.com/abstract=2404548; A. Christopher Bryant, *Presidential Signing Statements and Congressional Oversight,* 16 WM. & MARY BILL RTS. J. 169 (2007), *at* http://scholarship.law.wm.edu/wmborj/vol16/iss1/11; Sidney A.

the wisdom of power sharing via a system of checks and balances, wherein "the greatest security against tyranny… lies not in a hermetic division among the Branches, but in a carefully crafted system of checked and balanced power within each Branch."[47]

A. EXECUTIVE ORDER 13636

In the more than decade absence of cybersecurity legislation, President Obama issued on February 12, 2013, Executive Order 13636, "Improving Critical Infrastructure Cybersecurity," directing the Executive Branch to:

1. Develop a technology-neutral voluntary cybersecurity framework;
2. Promote and incentivize the adoption of cybersecurity practices;
3. Increase the volume, timeliness and quality of cyber threat information

sharing;

4. Incorporate strong privacy and civil liberties protections into every initiative to secure our critical infrastructure; and
5. Explore the use of existing regul-ation to promote cyber security.[48]

Shapiro & Ronald F. Wright, *The Future of the Administrative Presidency: Turning Administrative Law Inside-Out,* 65 U. MIAMI L. REV. 577 (2011), *available at* http://ssrn.com/abstract=1738491; Patrick L. Warren, *Allies and Adversaries: The Roles of Appointees in Administrative Policymaking under Separation of Powers,* 28 J. L. ECON. & ORGAN. 407 (2012).

[47] Manheim & Ides, *supra* note 45, *citing Mistretta v. United States,* 488 U.S. 361, 381 (1989).

[48] Exec. Order No. 13636, 78 Fed. Reg. 11,739 (Feb. 19, 2013).

The 2013 Executive Order defines the term "critical infrastructure" to mean "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."[49] Next, "Presidential Policy Directive-21: Critical Infrastructure Security and Resilience," requires that the Executive Branch: "develop a situational awareness capability that addresses both physical and cyber aspects of how infrastructure is functioning in near-real time; understand the cascading consequences of infrastructure failures; evaluate and mature the public-private partnership; update the National Infrastructure Protection Plan; and develop comprehensive research and development plan."[50] Executive Order 13636 mandates the "development of a voluntary risk-based Cybersecurity Framework—a set of industry standards and best practices to help organizations manage cybersecurity risks. The resulting Framework, created through collaboration between government and the private sector, uses a common language to address and manage cybersecurity risk."[51]

---

[49] *Id*. at Sec. 2.

[50] *See* Lawrence J. Trautman, CYBERSECURITY: WHAT ABOUT U.S. POLICY, 2015 U. ILL. J. L. TECH. & POL'Y 341 (2015), *available at* http://ssrn.com/abstract=2548561, *citing* Fact Sheet, Executive Order (EO) 13636 Improving Critical Infrastructure Cybersecurity, and Presidential Policy Directive (PPD)-21 Critical Infrastructure Security and Resilience, U.S. Department of Homeland Security (Mar. 2013), *available at* http://www.dhs.gov/sites/default/files/publications/EO-PPD%20Fact%20Sheet%2012March13.pdf.

[51] *See* Trautman, *Id*., *citing* U.S. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, FRAMEWORK FOR IMPROVING CRITICAL

Elsewhere, the author observes that "[d]uring December 2014, just hours before the holiday recess, the U.S. Congress passed five major legislative proposals designed to enhance U.S. cybersecurity. Following signature by the President, these became the first cybersecurity laws to be enacted in over a decade, since passage of the Federal Information Security Management Act of 2002."[52] One of my previous articles[53] presents a brief outline of each of the following legislative proposals designed to strengthen U.S. cybersecurity: The National Cybersecurity Protection Act of 2014;[54] The Federal Information Security Modernization Act of 2014;[55] The

---

INFRASTRUCTURE CYBERSECURITY, VERSION 1.0, 1 (Feb. 12, 2014), *available at* http://www.nist.gov/cyberframework/upload/cybersecurity-framework-021214-final.pdf. *See also* Scott Shackelford, Andrew A. Proia, Brenton Martell & Amanda Craig, *Cyber-security Framework on Shaping Reasonable National and International Cybersecurity Practices,* 50 TEX. INT'L L.J. 303 (2015).

[52] *See* Trautman, *supra* note 50. *See also* Mitchell S. Kominsky, *The Current Landscape of Cybersecurity Policy: Legislative Issues in the 113th Congress,* HARV. NAT'L SEC. J. (Feb. 6, 2014), *citing* Eric A. Fischer, *Federal Laws Relating to Cybersecurity: Overview and Discussion of Proposed Revisions*, *available at* https://www.fas.org/sgp/crs/natsec/R42114.pdf. *available at* *http://harvardnsj.org/2014/02/the-current-landscape-of-cybersecurity-policy-legislative-issues-in-the-113th-congress/* (last viewed Sept. 2, 2015).

[53] *See* Trautman, *supra* note 50.

[54] The National Cybersecurity Protection Act of 2014, Pub. L. No. 113-282 (2014), *available at* https://www.congress.gov/bill/113th-congress/senate-bill/2519 (last viewed Sept. 2, 2015).

[55] The Federal Information Security Modernization Act of 2014, Pub. L. No: 113-283 (2014), *available at* https://www.congress.gov/bill/113th-congress/senate-bill/2521 (last viewed Sept. 2, 2015).

Cybersecurity Workforce Assessment Act;[56] The Homeland Security Workforce Assessment Act;[57] and the Cybersecurity Enhancement Act of 2014.[58]

Released several weeks later, the President's 2015 National Security Strategy states, "we will grow our investment in crucial capabilities like cyber… We will safeguard our science and technology base to keep our edge in the capabilities needed to prevail against any adversary."[59] The National Security Strategy observed, "We are working with the owners and operators of our Nation's critical cyber and physical infrastructure across every sector—financial, energy, transportation, health, information technology, and more—to decrease vulnerabilities and increase resilience."[60] Further

> Prosperity and security increasingly depend on an open, interoperable, secure, and reliable Internet. Our economy, safety, and health are linked through a networked infrastructure that is targeted by malicious government, criminal, and individual actors who try to avoid attribution. Drawing on the

---

[56] The Cybersecurity Workforce Assessment Act, Pub. L. No: 113-246 (2014), *available at* https://www.congress.gov/bill/113th-congress/house-bill/2952/text (last viewed Sept. 2, 2015).

[57] The Border Patrol Agent Pay Reform Act of 2014, Pub. L. No: 113-277 (2014), *available at* https://www.congress.gov/bill/113th-congress/senate-bill/1691 (last viewed Sept. 2, 2015).

[58] The Cybersecurity Enhancement Act of 2014, Pub. L. No. 113-274 (2014), *available at* *https://www.congress.gov/bill/113th-congress/senate-bill/1353* (last viewed Sept. 2, 2015).

[59] President's National Security Strategy, 8 (2015), *at* *http://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf* (last viewed Sept. 2, 2015).

[60] *Id*. at 9.

> voluntary cybersecurity framework, we are securing Federal networks and working with the private sector, civil society, and other stakeholders to strengthen the security and resilience of U.S. critical infrastructure. We will continue to work with the Congress to pursue a legislative framework that ensures high standards. We will defend ourselves, consistent with U.S. and international law, against cyber attacks and impose costs on malicious cyber actors, including through prosecution of illegal cyber activity. We will assist other countries to develop laws that enable strong action against threats that originate from their infrastructure. Globally, cybersecurity requires that long-standing norms of international behavior—to include protection of intellectual property, online freedom, and respect for civilian infrastructure—be upheld, and the Internet be managed as a shared responsibility between states and the private sector with civil society and Internet users as key stakeholders.[61]

B. 2015 CYBERSECURITY LEGISLATIVE PROPOSAL

During early 2015, the Administration's updated legislative proposal is designed to promote "better cybersecurity information sharing between the private sector and the government, and it enhances collaboration and information sharing amongst the private sector."[62] The

---

[61] *Id*. at 12.

[62] Press Release, The White House, SECURING CYBERSPACE – President Obama Announces New Cybersecurity Legislative Proposal

cybersecurity proposal specifically encourages the sharing of appropriate private sector cyber threat information with DHS's "National Cybersecurity and Communications Integration Center (NCCIC), which will then share it in as close to real-time as practicable with relevant federal agencies and with private sector-developed and operated Information Sharing and Analysis Organizations (ISAOs) by providing targeted liability protection for companies that share information with these entities."[63] With a view toward safeguarding the personal privacy information of American citizens, the proposal requires DHS and "the Attorney General, in consultation with the Privacy and Civil Liberties Oversight Board and others, to develop receipt, retention, use, and disclosure guidelines for the federal government."[64] During 2015 numerous Congressional committees proceeded to hold hearings relevant to cybersecurity legislation.[65]

C. 2015 NATIONAL DATA BREACH REPORTING PROPOSAL

The Administration also updated its security breach reporting consumer reporting proposal, to assist "business and consumers by simplifying and standardizing the existing patchwork of 46 state laws… that contain these requirements into one federal statute, and puts in place a

---

and Other Cybersecurity Efforts (Jan. 13, 2015), *available at* http://www.whitehouse.gov/the-press-office/2015/01/13/securing-cyberspace-president-obama-announces-new-cybersecurity-legislat (last viewed Sept. 2, 2015).

[63] *Id.*

[64] *Id.*

[65] *See* discussion of hearings by specific committees and subcommittees, *infra*.

single clear and timely notice requirement to ensure that companies notify their employees and customers about security breaches."[66] As of August 27, 2015, numerous bills were moving through the House or Senate on this subject.[67]

D. CYBER THREAT INTELLIGENCE INTEGRATION CENTER

On February 25, 2015, President Barack Obama announced creation of the Cyber Threat Intelligence Integration Center (CTIIC), noting that "In creating the

---

[66] Press Release, The White House, SECURING CYBERSPACE – President Obama Announces New Cybersecurity Legislative Proposal and Other Cybersecurity Efforts (Jan. 13, 2015), *available at* http://www.whitehouse.gov/the-press-office/2015/01/13/securing-cyberspace-president-obama-announces-new-cybersecurity-legislat (last viewed Sept. 2, 2015).

[67] *See generally* Data Security Act of 2015 (S. 961), Press Release, Sens. Carper, Blunt Reintroduce Legislation to Protect Consumers from Identity Theft and Fraud (Apr. 16, 2015), *available at http://www.carper.senate.gov/public/index.cfm/pressreleases?ID=34c3803b-23a3-4cb5-aeec-d2956396b481;* Consumer Privacy Protection Act of 2015 (S. 1158), *available at http://www.leahy.senate.gov/imo/media/doc/ALB15731_FINAL.pdf;* Data Security and Breach Notification Act of 2015 (S. 177), *available at https://www.congress.gov/bill/114th-congress/senate-bill/177?q=%7B%22search%22:[%22data+breach+notification%22]%7D;* Data Security and Breach Notification Act of 2015 (H.R. 1770), *available at https://www.govtrack.us/congress/bills/114/hr1770;* Personal Data Notification and Protection Act of 2015 (H.R. 1704), *at https://www.govtrack.us/congress/bills/114/hr1704/text;* Data Security Act of 2015 (H.R. 2205), Press Release, Reps. Neugebauer & Carney Introduce Bipartisan Data Security Bill, *available at* https://randy.house.gov/press-release/reps-neugebauer-carney-introduce-bipartisan-data-security-bill.

CTIIC, the Administration is applying some of the hard-won lessons from our counterterrorism efforts to augment that 'whole of government' approach by providing policymakers with a cross-agency view of foreign cyber threats, their severity, and potential attribution."[68] The purpose of the new CTIIC will be to provide "intelligence needed to carry out" the cybersecurity missions of agencies such as the: National Cyber Investigative Joint Task Force (NCIJTC) as it coordinates, integrates, and shares domestic cyber threat investigation information; the National Cybersecurity and Communications Integration Center (NCCIC) (network defense and incident response mission); and the U.S. Cyber Command in its stated mission of defending the nation from significant cyberspace attacks.[69]

IV. Congressional Oversight 2015-2016

During the last two years of the Obama presidency, the Republican Party has enjoyed an expanded majority in the U.S. House of Representatives, and a newly claimed majority status during 2015 in the Senate. Widespread consensus holds that the two most recent congresses have been among the least productive, "and in a political climate today that's far more polarized than that of the Clinton era, expectations for the 114th Congress are not high."[70]

---

[68] Press Release, Fact Sheet: Cyber Threat Intelligence Integration Center (Feb. 25, 2015), *available at* https://www.whitehouse.gov/the-press-office/2015/02/25/fact-sheet-cyber-threat-intelligence-integration-center (last viewed Sept. 2, 2015).

[69] *Id.*

[70] John Stanton, Kyle Simpson, Michael Gilliland, James Wickett, Aaron Cutler, Robert Kyle, Michael House, Kate McAuliffe, Lance Bultena, Michele Farquhar, Jack Jacobson, Michael Bell, Trey Hanbury, Jared Bomberg, HOGAN LOVELLS: 114TH CONGRESS

Passage of the Budget Control Act during 2011 resulted in severe across-the-board federal agency spending cuts, proving particularly difficult for the Department of Defense. In a publication by Hogan Lovells, the authors observed that "unless Congress and the Administration can agree to eliminate or reform the sequester mechanism, DOD will face deep spending cuts in 2016."[71] Successful repeal of the sequester is assumed in the President's FY2016 budget, and it is believed that "Republicans in both the House and Senate are also eager to eliminate sequester cuts for defense and national security programs for FY2016 and beyond."[72] Despite recent unprecedented congressional gridlock, "two bills nonetheless get passed every year; an appropriations measure to fund the government, and the National Defense Authorization Act (NDAA)… Congress passes legislation authorizing hundreds of billions of dollars in defense spending year after year."[73]

Unlike many nation states, in the U.S. almost all critical infrastructure and cyber-sensitive assets are held in the private sector.[74] Accordingly, the cybersecurity assets of almost every corporation that Congress seeks to protect through regulation "not only generally possess expertise useful to the rulemaking process, but in fact possess superior knowledge regarding information security threats

---

OUTLOOK, 3 (Jan. 2015), *available at* http://www.hoganlovells.com/114th-congress-outlook-01-08-2015/ (last viewed Sept. 2, 2015).

[71] *Id*. at 46.

[72] *Id*.

[73] *Id*.

[74] *See generally* Trautman, *supra*, note 50.

and defenses not otherwise available to regulators."[75] Therefore, Congress and "Federal regulators leverage this knowledge not only voluntarily, but in some cases by *mandate* engaging private entities in the rulemaking and *de facto* standards-setting process."[76] This process of "management-based regulation" has developed "under which the regulated entities themselves develop and adhere to their own individualized compliance plans. While these plans must meet general guidelines, the regulatory goal becomes the development of and adherence to the plan, rather than compliance with specific technical obligations directly."[77] Using the term "management-based regulatory delegation," Professor David Thaw depicts this contemporary regulatory process as "a deliberate encoding of regulatory capture both in the rulemaking and enforcement stages of the administrative process to engage the superior knowledge possessed by regulated entities."[78]

Committees are the mechanism Congress has designed to conduct its business. John Aldrich and David Rohde observe, "Committees, through the division of labor, permit the chamber to stretch its capabilities by having only a subset of members consider each issue [oversight] and piece of legislation in detail."[79] Jurisdiction over matters of cybersecurity is claimed by numerous committees. Presented below is a description of the various committees claiming jurisdiction, their leadership, committee

---

[75] *See* Thaw, *supra*, note 8 at 287, 289.
[76] *Id*.
[77] *Id*. at 290.
[78] *Id*.
[79] John H. Aldrich & David W. Rohde, *Congressional Committees in a Partisan Era*, *in* LAWRENCE C. DODD & BRUCE I. OPPENHEIMER, CONGRESS RECONSIDERED 249 (CQ Press, 2005).

membership, and key staff. Congressional staffs perform many important and necessary functions such as scheduling; communications, media and press relations; administrative support; and chamber floor operations. However, due to the size of many committee and subcommittee staffs, I have attempted to identify those staff members, generally policy and national security specialists, who may be most significantly involved in cyber-related issues.

V. The Senate

The new Republican majority in the U.S. Senate results in a reshuffling of committee chairmen for those committees having jurisdiction over various elements of cybersecurity. The work of the Senate is divided into 20 committees, 68 subcommittees, and 4 joint committees to collectively handle all the issues the Senate covers.[80] Most committees are further divided into subcommittees, to focus on particular issue areas, such as the Judiciary Subcommittee on Crime and Terrorism or the Appropriations Subcommittee on Defense."[81] Senators are motivated to gain appointment to and serve on committees that provide an opportunity to weigh in on issues of particular interest to themselves or their constituents.[82] It is through the work of committees "where senators establish expertise and reputations, and make their imprint on American law and policy. A senator's committee

---

[80] United States Senate, Committees, *available at* http://www.senate.gov/committees/committees_home.htm (last viewed Sept. 2, 2015).

[81] *See* DASCHLE & ROBBINS, SUPRA NOTE 19 at 72.

[82] *Id.* at 73.

assignments will determine much of his or her career, similar to choosing a major in college. Through committee work, senators dive into particular issues and make these issues their own…"[83]

The following committees in the Senate play a role in cybersecurity oversight: Armed Services; Banking, Housing, and Urban Affairs; Committee on Commerce, Science and Transportation (Subcommittee on Communications, Technology, and the Internet); the Homeland Security and Government Affairs Committee (HSGAC); Senate Select Committee on Intelligence (SSCI); and Senate Judiciary Committee.

VI. Senate Committee On Armed Services

Established on December 10, 1816 as the "Senate Committee on Military Affairs; on the Militia; and Naval Affairs," the committee merged over time, on several occasions, to become what is now known as the current Committee on Armed Services.[84] The Armed Services Committee describes its jurisdiction as:

1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations;
2. Common defense;
3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air

---

[83] *Id.*

[84] U.S. Senate Committee on Armed Services, About, History/Jurisdiction, *available at* http://www.armed-services.senate.gov/about/history (last viewed Sept. 2, 2015).

> Force, generally;
> 4. Maintenance and operation of the Panama Canal, including admin-istration, sanitation, and govern-ment of the Canal Zone;
> 5. Military research and develop-ment;
> 6. National security aspects of nuclear energy;
> 7. Naval petroleum reserves, except those in Alaska;
> 8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents;
> 9. Selective service system; and
> 10. Strategic and critical materials necessary for the common defense. The Senate has also given the committee the authority to study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.[85]

Based on the Committee's documents, several Armed Services subcommittees appear to have jurisdiction over various aspects of cybersecurity oversight, as more fully discussed below. Membership of the Senate Committee on Armed Services is as follows:[86]

---

[85] *Id*., *citing* Standing Rules of the Senate, Rule XXV, 1(c)(1).

[86] U.S. Senate Committee on Armed Services, About, Committee Members, *available at* http://www.armed-services.senate.gov/about/members (last viewed Sept. 2, 2015).

MAJORITY (Republican)	MINORITY (Democratic)
John McCain, Arizona, Chairman James M. Inhofe, Oklahoma Jeff Sessions, Alabama Roger F. Wicker, Mississippi Kelly Ayotte, New Hampshire Deb Fischer, Nebraska Tom Cotton, Arkansas Mike Rounds, South Dakota Joni Ernst, Iowa Thom Tillis, North Carolina Dan Sullivan, Arkansas Mike Lee, Utah Lindsey Graham, South Carolina Ted Cruz, Texas	Jack Reed, Rhode Island, Ranking Member Bill Nelson, Florida Claire McCaskill, Missouri Joe Manchin, West Virginia Jeanne Shaheen, New Hampshire Kirsten E. Gillibrand, New York Richard Blumenthal, Connecticut Joe Donnelly, Indiana Mazie K. Hirono, Hawaii Tim Kaine, Virginia Angus S. King, Maine Martin Heinrich, New Mexico

Key Staff:
Majority and Non-Designated:

Majority Staff Director ..... Chris Brose
Deputy Staff Director ..... Cord Sterling
Policy Director and Counsel ..... Katie Wheelbarger
Majority General Counsel ..... Steven M. Barney
Senior Military Advisor ..... James Hickey
Chief Clerk ..... Greg R. Lilly
Chief Investigator ..... Kathryn Edelman
Counsel ..... Samantha Clark
Communications Director ..... Dustin Walker
Majority Professional Staff:

Adam J. Barker, Matt Donovan, Elizabeth Everett, Allen M. Edwards, Anish Goel, Tom W. Goffus, Bill Greenwalt, Jeremy Hayes, John Lehman, Daniel A. Lerner, Brad Patout, Jason Potter, Diem Salmon, Eric Sayers, Rob Soofer, Jennifer White

Security Manager ..... Barry Walker
Systems Administrator ..... Gary Howard
Special Assistant ..... Jackie Kerber
Research Analyst ..... Lauren Davis, Natalie Nicolas
Staff Assistant ..... Brendan Sawyer, Leah Scheunemann, Robert Waisanen

Majority Staff Subject Areas:
Budget ..... Diem Salmon
CYBERCOM ..... Daniel Lerner
Combating Terrorism ..... Katie Wheelbarger
Cybersecurity ..... Daniel Lerner
Defense Laboratory Management ..... Cord Sterling
Defense Security Assistance ..... Adam Barker

Domestic Preparedness ..... Adam Barker
Homeland Defense/Security..... Adam Barker
Information Assurance..... Daniel Lerner
Information Management..... Jeremy Hayes
Information Operations ..... Daniel Lerner
Information Technology Systems:
IT Acquisition Policy..... Bill Greenwalt
Business Systems..... Jeremy Hayes
Tactical Systems..... James Hickey
Intelligence Issues..... Katie Wheelbarger
Investigations..... Kathryn Edelman,
Jennifer White,
Brad Patout
Science and Technology..... Anish Goel
Strategic Programs..... Rob Soofer

Minority Staff:
Minority Staff Director ..... Elizabeth L. King
Minority General Counsel ..... Gerald J. Leeling
Counsel ..... William G.P. Monahan,
Jonathan D. Clark,
Ozge Guzelsu,
Jonathan S. Epstein
Professional Staff..... Creighton Greene,
Maggie McNamara,
Thomas K. McConnell,
Michael J. Kuiken,
Arun A. Seraphin,
William K. Sutey,
Michael J. Noblet,
John H. Quirk V,
Carolyn A. Chuhta

Minority Staff Subject Areas:

Building Partnership Capacity Program ..... William G.P. Monahan
Michael J. Kuiken
Senior Advisor, Budget ..... William K. Sutey
CYBERCOM ..... Thomas K. McConnell
Counterterrorism Policy ..... Michael J. Kuiken
William G.P. Monahan
Michael J. Noblet
Thomas K. McConnell
Ozge Guzelsu
Cybersecurity ..... Thomas K. McConnell,
Creighton Greene
Defense Security Cooperation Agency ..... Michael J. Kuiken
Domestic Preparedness ..... Carolyn A. Chuhta
Homeland Defense/Security ..... Carolyn A. Chuhta,
Maggie McNamara
Information Assurance ..... Thomas K. McConnell
Creighton Greene
Information Management ..... Creighton Greene
Arun A. Seraphin
Information Operations ..... Michael J. Kuiken
Information Technology Systems:
IT Acquisition Policy ..... Arun A. Seraphin
Thomas K. McConnell
Business Systems ..... Arun A. Seraphin
Intelligence Issues ..... Thomas K. McConnell,
Creighton Greene
Investigations ..... Ozge Guzelsu
Science & Technology ..... Arun A. Seraphin
Strategic Communications ..... Michael J. Kuiken
Strategic Programs ..... Jonathan S. Epstein

A. SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Senate Armed Services Committee's Subcommittee on Emerging Threats and Capabilities states that its jurisdiction includes responsibility for "Policies and programs to counter emerging threats including the proliferation of weapons of mass destruction, terrorism, and illegal drugs; homeland defense; technology base programs; special operations programs; and emerging operational concepts."[87] Membership of the Senate Committee on Armed Services Committee's Subcommittee on Emerging Threats and Capabilities is as follows:[88]

MAJORITY (Republican)	MINORITY (Democratic)
Deb Fischer, Nebraska, Chair	Bill Nelson, Florida, Ranking Member
Kelly Ayotte, New Hampshire	Joe Manchin, West Virginia
Tom Cotton, Arkansas	Jeanne Shaheen, New Hampshire
Joni Ernst, Iowa	Kirsten Gillibrand, New York
Thom Tillis, North Carolina	Joe Donnelly, Indiana
Lindsey Graham, South Carolina	Tim Kaine, Virginia
Ted Cruz, Texas	Jack Reed,

[87] U.S. Senate Committee on Armed Services, About, Subcommittees: Subcommittee on Emerging Threats and Capabilities, *available at* http://www.armed-services.senate.gov/about/subcommittees (last viewed Sept. 2, 2015).
[88] *Id.*

John McCain, Arizona, Ex Officio	Rhode Island, Ex Officio

Key Staff:

Majority Staff (Lead)..... Tom W. Goffus
Majority Research Analyst.....Natalie Nicolas
Minority Staff..... Michael J. Noble (Lead),
William G.P. Monahan,
Michael J. Kuiken,
Jonathan S. Epstein,
Ozge Guzelsu,
Arun Seraphin,
Thomas K. McConnell

B. SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

The Senate Armed Services Committee's Subcommittee on Readiness and Management Support states that its jurisdiction, in relevant part, includes responsibility for "Military readiness including training, logistics, and maintenance;… contracting and acquisition policy; defense industrial and technology base policies;… [and] information technology management policy."[89] In addition, this subcommittee has oversight responsibility for the following Department of Defense offices: "Under Secretary of Defense (Acquisition, Technology, and Logistics); Department of Defense Deputy Chief

[89] U.S. Senate Committee on Armed Services, About, Subcommittees: Subcommittee on Emerging Threats and Capabilities, *available at* http://www.armed-services.senate.gov/about/subcommittees (last viewed Sept. 2, 2015).

Management Officer; and the Chief Management Officers of the military departments."[90]

Membership of the Senate Committee on Armed Services Committee's Subcommittee on Readiness and Management Support is as follows:[91]

MAJORITY (Republican)	MINORITY (Democratic)
Kelly Ayotte, New Hampshire, Chair James M. Inhofe, Oklahoma Deb Fischer, Nebraska Mike Rounds, South Dakota Joni Ernst, Iowa Mike Lee, Utah John McCain, Arizona, Ex Officio	Tim Kaine, Virginia, Ranking Member Claire McCaskill, Missouri Jeanne Shaheen, New Hampshire Mazie K. Hirono, Hawaii Martin Heinrich, New Mexico Jack Reed, Rhode Island, Ex Officio

Key Staff:
Majority Staff (Lead)..... Bill Greenwalt
Staff Assistant: ..... Leah Scheunemann
Minority Staff..... John H. Quirk V (Lead), Arun Seraphin, Michael J. Noblet, Ozge Guzelsu

C. SUBCOMMITTEE ON STRATEGIC FORCES

The Senate Armed Services Committee's

[90] *Id.*
[91] *Id.*

Subcommittee on Strategic Forces has numerous areas of responsibility, including "Nuclear and strategic forces; intelligence programs; space programs; cyber space programs; Department of Energy defense nuclear and environmental programs; and ballistic missile defense."[92] The subcommittee's budget oversight responsibility includes: "Procurement and RDT&E for DOD nuclear and strategic forces, missile defense, space systems, and cyberspace systems; Department of Energy defense-funded programs; intelligence activities, including the National Intelligence Program and the Military Intelligence Program."[93] This subcommittee is also responsible for DOD and DOE oversight of the "Under Secretary of Defense (Intelligence); Assistant Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; National Nuclear Security Administration; and Assistant Secretary of Energy (Environmental Management)."[94] Other oversight responsibilities include: "Strategic Command; space commands of the military departments; Missile Defense Agency; National Security Agency; Defense Intelligence Agency; National Reconnaissance Office; National Geospatial-Intelligence Agency; and Defense Nuclear Facilities Safety Board."[95] Membership of the Senate Committee on Armed Services Committee's Subcommittee on Strategic Forces is as follows:[96]

---

[92] U.S. Senate Committee on Armed Services, About, Subcommittees: Subcommittee on Strategic Forces, *available at* http://www.armed-services.senate.gov/about/subcommittees#forces (last viewed Sept. 2, 2015).
[93] *Id*.
[94] *Id*.
[95] *Id*.
[96] *Id*.

MAJORITY (Republican)	MINORITY (Democratic)
Jeff Sessions, Alabama, Chairman James M. Inhofe, Oklahoma Deb Fischer, Nebraska Mike Lee, Utah Lindsey Graham, South Carolina Ted Cruz, Texas John McCain, Arizona, Ex Officio	Joe Donnelly, Indiana, Ranking Member Bill Nelson, Florida Joe Manchin, West Virginia Angus S. King, Maine Martin Heinrich, New Mexico Jack Reed, Rhode Island, Ex Officio

Key Staff:

Majority Staff (Lead).....Rob Soofer (Lead)
Staff Assistant.....Lauren Davis
Minority Staff.....Jonathan S. Epstein (lead), Creighton Greene, Thomas K. McConnell, Carolyn A. Chuhta

VII. Senate Committee On Banking, Housing And Urban Affairs

During December 2014 the Senate Committee on Banking, Housing and Urban Affairs held oversight hearings on "Cybersecurity: Enhancing Coordination to Protect the Financial Sector."[97] A hearing on "Oversight of

[97] *See* Cybersecurity: Enhancing Coordination to Protect the Financial Sector, Hearings Before Senate Committee on Banking, Housing and Urban Affairs, 113th Cong. (2014), *available at* http://www.banking.senate.gov/public/index.cfm?FuseAction=Hearings

Financial Stability and Data Security" was held during February, 2014."[98] Membership of the Senate Committee on Banking, Housing and Urban Affairs consists of:[99]

MAJORITY (Republican)	MINORITY (Democratic)
Richard Shelby, Alabama, Chairman	Sherrod Brown, Ohio, Ranking Member
Mike Crapo, Idaho	Jack Reed, Rhode Island
Bob Corker, Tennessee	Charles Schumer, New York
David Vitter, Louisiana	Robert Menendez, New Jersey
Patrick Toomey, Pennsylvania	Mark Warner, Virginia
Mark Kirk, Illinois	Jeff Merkley, Oregon
Dean Heller, Nevada	Elizabeth Warren, Massachusetts
Tim Scott, South Carolina	Heidi Heitkamp, North Dakota
Ben Sasse, Nebraska	Joe Donnelly, Indiana
Tom Cotton, Arkansas	
Mike Rounds, South Dakota	
Jerry Moran, Kansas	

.Hearing&Hearing_ID=1632c6b0-843f-4b9b-9df2-0a5322324070 (last viewed Sept. 1, 2015).

[98] *See* Oversight of Financial Stability and Data Security, Hearings Before Senate Committee on Banking, Housing and Urban Affairs, 113th Cong. (2014), *available at* http://www.banking.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=8a669045-f9b9-4c7e-b1df-1bb08e694e90 (last viewed Sept. 1, 2015).

[99] United States Senate Committee on Banking, Housing and Urban Affairs, Membership, *available at* *http://www.banking.senate.gov/public/index.cfm?FuseAction=CommitteeInformation.Membership* (last viewed Sept. 1, 2015).

Key Staff:
Majority and Non-Designated:
*Majority Staff Director & Counsel*William Duhnke
.....
Majority Deputy Staff Director.....Dana Wade
Majority Chief Counsel.....Jelena McWilliams
Majority Senior Counsel..... Beth Zorc
Senior Counsel (Nat'l Security)
And Chief Investigative Counsel..... Chris Ford
Majority Counsel ..... Travis Hill
Senior Investigative Counsel.. Lucas Moskowitz,
John O'Hara
Investigative Counsel..... Brian Daner
Securities Counsel..... Elad Roisman
Majority Chief Economist..... Thomas Hogan
Majority Sr. Professional Staff .....Chad Davis,
..... Shannon Hines
Majority Professional Staff..... Shelby Begany,
Jennifer Deci, and Jay Dunn

Minority staff members:
Minority Staff Director ..... Mark Powden
Minority Deputy Staff Director...Laura Swanson
Minority Policy Director.....Colin P.J. McGinnis
Minority Chief Counsel.....Graham Steele
Minority Senior Counsel.....Jeanette Quick,
Elisha Tuku
Minority Press Secretary ..... Greg Vadala
Minority Legislative Assistants... Megan Cheney
Phil Rudd
Minority Professional Staff.....Erin Berry
Homer Carlisle
Beth Cooper and Adam Healy

VIII. Senate Commerce, Science And Transportation Committee

Through U.S. history, numerous Senate committees have held jurisdiction over subject matter currently assigned to the Committee on Commerce, Science and Transportation. As you might suspect, the Senate's needs during colonial and frontier times were much different than today. Accordingly, over the years the jurisdiction held by today's Committee was governed by the following progenitor committees: "Committee on Commerce and Manufactures (1816-1825); Committee on Commerce (1825-1946, 1961-1977); Committee on Manufactures (1825-1855, 1864-1946); Committee on Interstate Commerce (1885-1946); Committee on Interoceanic Canals (1899-1946); Committee on Interstate and Foreign Commerce (1946-1961); and Committee on Aeronautical and Space Sciences (1958-1977)."[100] The Committee reports that

> In 1961, the name of the Committee on Interstate and Foreign Commerce was shortened to the Committee on Commerce. Many simply called it the "Commerce Committee," a shorthand reference to the Comm-ittee that continues to this day…
>
> The Committee System Reorganization Amendments of 1977… changed the name of the

[100] U.S. Senate Committee on Commerce, Science, & Transportation, Committee History, *available at* http://www.commerce.senate.gov/public/index.cfm?p=CommitteeHistory (last viewed Sept. 2, 2015).

> Committee on Commerce to the present-day Committee on Comm-erce, Science, and Transportation. The Committee on Aeronautical and Space Sciences was terminated in 1977; its functions were transferred to the modern-day "Commerce Committee."
>
> This name change was made to reflect the expanded jurisdiction given the Committee… Specifically, the Committee was given responsib-ility for the regulation of consumer products and services for the first time. The Committee also was charged with the nation's science, engineering, and technology policy. Related to its new science responsibilities was jurisdiction over non-military aeronautical and space science policy…
>
> In a move related to the Committee's new science responsib-ilities, it also was given jurisdiction over transportation issues sur-rounding non-military aeronautical and space policy.[101]

Membership of the Senate Commerce, Science, and Transportation Committee is as follows:[102]

MAJORITY (Republican)	MINORITY (Democratic)
John Thune, South Dakota, Chairman	Bill Nelson, Florida, Ranking Member

[101] U.S. Senate Committee on Commerce, Science, & Transportation, Committee History, About, *available at* http://www.commerce.senate.gov/public/index.cfm?p=CommitteeHistory (last viewed Sept. 2, 2015).

[102] U.S. Senate Committee on Commerce, Science, & Transportation, Committee Membership List, *available at* *http://www.senate.gov/general/committee_membership/committee_memberships_SSCM.htm* (last viewed Sept. 2, 2015).

Roger Wicker, Mississippi	Maria Cantwell, Washington
Roy Blunt, Missouri	Claire McCaskill, Missouri
Marco Rubio, Florida	Amy Klobuchar, Minnesota
Kelly Ayotte, New Hampshire	Richard Blumenthal, Connecticut
Ted Cruz, Texas	Brian Schatz, Hawaii
Deb Fischer, Nebraska	Ed Markey, Massachusetts
Jerry Moran, Kansas	Cory Booker, New Jersey
Dan Sullivan, Alaska	Tom Udall, New Mexico
Ron Johnson, Wisconsin	Joe Manchin, West Virginia
Dean Heller, Nevada	Gary Peters, Michigan
Cory Gardner, Colorado	
Steve Daines, Montana	

Key Staff:
Majority and Non-Designated:

Majority Staff Director ..... David Schwietert
Majority Deputy Staff Director ..... Nick Rossi
Majority General Counsel ..... Rebecca Seidel
Majority Deputy General Counsel Jason Van Beek
Legislative Counsel ..... Jennifer Dorrer
Chief Clerk ..... Anne Willis Hill
Hearing Clerk ..... Stephanie Gamache
Majority Chief Investigator ..... Ashok Pinto
Majority Office Manager ..... Theresa Eugene
Maj. Communications Director .... Frederick Hill

Director of Information Technology ..... Jonathan Bowen

Minority staff members:
Minority Staff Director ..... Kim E. Lipsky
Minority Deputy Staff Director. Christopher Day
Minority General Counsel .....Clint Odom
Minority Investigative Counsel..... Meeran Ahn
Minority Communications Dir.....Bryan Gulley

A. SUBCOMMITTEE ON COMMUN-ICATIONS, TECHNOLOGY AND THE INTERNET

The Senate Commerce, Science, and Transportation Committee's Subcommittee on Communications, Technology, and the Internet states that its jurisdiction includes

> jurisdiction over legislation, Congress-ional action, and other matters relating to communications. For these purposes, "communi-cations" includes telephones, cell phones, the Internet, commercial and noncommercial television, cable, satellite broadcast, satellite communications, wireline and wire-less broadband, radio, consumer electronic equipment associated with such services, and public safety communications. The Subcommittee also is responsible for oversight of the Federal Communications Comm-ission (FCC), the Corporation for Public Broadcasting (CPB), and the National Telecommunications and Information Administration (NTIA) at the Department of Commerce, which is the administration primarily responsible for the management of government

spectrum and advising the President on telecommunications policy.[103]

Membership of the Senate Commerce, Science, and Transportation Committee's Sub-committee on Communications, Technology, and the Internet consists of:[104]

MAJORITY (Republican)	MINORITY (Democratic)
Roger Wicker, Mississippi, Chairman	Brian Schatz, Hawaii, Ranking Member
Roy Blunt, Missouri	Maria Cantwell, Washington
Marco Rubio, Florida	Claire McCaskill, Missouri
Kelly Ayotte, New Hampshire	Amy Klobuchar, Minnesota
Ted Cruz, Texas	Richard Blumenthal, Connecticut
Deb Fischer, Nebraska	Edward J. Markey, Massachusetts
Jerry Moran, Kansas	Cory Booker, New Jersey
Dan Sullivan, Alaska	Tom Udall, New Mexico
Ron Johnson, Wisconsin	Joe Manchin, West Virginia
Dean Heller, Nevada	Gary C. Peters, Michigan
Cory Gardner, Colorado	Bill Nelson,
Steve Daines, Montana	
John Thune,	

[103] U.S. Senate Committee on Commerce, Science, & Transportation, Subcommittees: Communications, Technology, and the Internet, *available at* http://www.commerce.senate.gov/public/index.cfm?p=CommunicationsTechnologyandtheInternet (last viewed Sept. 2, 2015).

[104] U.S. Senate Committee on Commerce, Science, & Transportation, Subcommittees: Communications, Technology, and the Internet, *available at* http://www.senate.gov/general/committee_membership/committee_memberships_SSCM.htm#SSCM26 (last viewed Sept. 2, 2015).

South Dakota, Ex Officio	Florida, Ex Officio

Key Staff:

Majority staff members:

Majority Policy Director..... David Quinalty
Majority Counsel ..... Jeffrey Farrah,
Gregory Orlando,
Jason Van Beek
Advisor to Chmn. Wicker..... Crystal Tully
Majority Research Asst..... Matthew Plaster
Additional Staff..... Jamie Susskind
Minority staff members:.....
Minority Senior Counsel..... John Branscome
Minority Counsel ..... Shawn Bone
Minority Legislative Asst ..... Simone Hall
Advisor to Ranking Member Schatz Melika Carroll

B. SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE AND DATA SECURITY

The Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security has jurisdiction over matters involving the protection of consumers. Regarding the fairness of consumer transactions, the Subcommittee "[S]eeks to prevent scams and fraud, and promotes the safety of products people buy. In the modern economy, commerce increasingly includes the exchange of sensitive personal information, either

online or in consumer-facing settings."[105] Membership of the Senate Commerce, Science, and Transportation Committee's Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security consists of:[106]

MAJORITY (Republican)	MINORITY (Democratic)
Jerry Moran, Kansas, Chairman	Richard Blumenthal, CT, Ranking Member
Roy Blunt, Missouri	Claire McCaskill, Missouri
Ted Cruz, Texas	Amy Klobuchar, Minnesota
Deb Fischer, Nebraska	Edward J. Markey, Massachusetts
Dean Heller, Nevada	Cory Booker, New Jersey
Cory Gardner, Colorado	Tom Udall, New Mexico
Steve Daines, Montana	Bill Nelson, Florida, Ex Officio
John Thune, South Dakota, Ex Officio	

Key Staff:

Majority Staff Members:
Majority Counsel ..... Peter Feldman
Majority Investigator ..... Cherilyn Pascoe
Staff Research Assistant ..... Andrew Timm
Minority Staff Members:
Minority Senior Counsel ..... Christian Fjeld

---

[105] *See* U.S. Senate Committee on Commerce, Science, & Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security, *available at* *http://www.commerce.senate.gov/public/index.cfm?p=ConsumerProtectionProductSafetyandInsurance* (last viewed Sept. 2, 2015).

[106] U.S. Senate Committee on Commerce, Science, & Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *available at* http://www.senate.gov/general/committee_membership/committee_memberships_SSCM.htm#SSCM26 (last viewed Sept. 2, 2015).

Minority Legislative Asst ..... Brian No

C. SUBCOMMITTEE ON SCIENCE, SPACE AND COMPETITIVENESS

The Subcommittee on Science, Space and Competitiveness is charged with oversight responsibility for issues impacting

> science, technology, engineering, and math research and development and policy; standards and measurement; and civil space policy. The Subcommittee conducts oversight on the National Science Foundation, the National Aeronau-tics and Space Administration, the National Institute of Standards and Technology, the Office of Science and Technology Policy, and the National Technical Information Service. Advancements in science and technology are vital to the nation's continued economic security, innovation, and competit-iveness.[107]

Membership of the Senate Commerce, Science, and Transportation Committee's Sub-committee on Science, Space and Competitiveness consists of:[108]

MAJORITY (Republican) MINORITY (Democratic)

---

[107] *See* U.S. Senate Committee on Commerce, Science, & Transportation, Subcommittee on Science, Space and Competitiveness, *available at* http://www.commerce.senate.gov/public/index.cfm?p=ScienceandSpace (last viewed Sept. 2, 2015).

[108] *Id*.

Ted Cruz, Texas, Chairman Marco Rubio, Florida Jerry Moran, Kansas Dan Sullivan, Alaska Cory Gardner, Colorado Steve Daines, Montana John Thune, South Dakota, Ex Officio	Gary Peters, Michigan, Ranking Member Edward J. Markey, Massachusetts Cory Booker, New Jersey Tom Udall, New Mexico Brian Schatz, Hawaii Bill Nelson, Florida, Ex Officio

Key Staff:

Majority Staff Members ..... Bailey Edwards,
Suzanne Matwyshen-Gillen
Missye Brickell
Staff Assistant..... Jaclyn Keshian
Minority Staff Director ..... Nick Cummings
Minority Professional Staff..... Alicia Brown
Staff Assistant..... Owen Berger

IX. Senate Homeland Security And Governmental Affairs Committee (HSGAC)

Following passage of the Homeland Security Act of 2002, this Committee changed its name from its former designation as the Senate Governmental Affairs Committee to reflect its expanded jurisdiction which now includes "homeland security issues. In addition to governmental affairs, the Committee now oversees and receives legislation, messages, petitions, and memorials on all matters relating to the Department of Homeland Security, except for appropriations, the Coast Guard, the Transportation Security Administration, immigration,

customs revenue, commercial operations, and trade."[109]

As the Senate's primary oversight committee, the HSGAC has general broad jurisdiction over government operations, and particularly over the Department of Homeland Security. The primary responsibilities of the HSGAC include: "to study the efficiency, economy, and effectiveness of all agencies and departments of the federal government; evaluate the effects of laws enacted to reorganize the legislative and executive branches of government; and study the intergovernmental relationships between the U.S. and states and municipalities… and international organizations," where the United States has membership.[110] The four Subcommittees of the HSGAC are: the Permanent Subcommittee on Investigations (PSI); Financial and Contracting Oversight (FCO); The Efficiency and Effectiveness of Federal Programs and the Federal Workforce (FPFW); and the Emergency Management, Intergovernmental Relations and the District of Columbia (EMDC).[111] With respect to cyber-security, the HSGAC has held numerous hearings, including on the topic of "Beyond Silk Road: Potential Risks, Threats, and Promises of Virtual Currencies."[112] Covington & Burling reports

---

[109] U.S. Senate Homeland Security & Governmental Affairs Committee, Jurisdiction and Rules, *available at* http://www.hsgac.senate.gov/about/jurisdiction (last viewed Sept. 2, 2015).

[110] *Id.*

[111] *Id.*

[112] *See* Beyond Silk Road: Potential Risks, Threats, and Promises of Virtual Currencies: Hearing Before the Senate Homeland Security and Government Affairs Comm., 113th Cong. (2013), *available at* http://www.hsgac.senate.gov/hearings/beyond-silk-road-potential-risks-threats-and-promises-of-virtual-currencies (last viewed Sept. 2, 2015); Lawrence J. Trautman, *Virtual Currencies: Bitcoin & What Now*

that "Senator Johnson has said that he is interested in using the committee's investigative powers to pursue 'border security and illegal immigration, cybersecurity, homegrown terrorist threats, securing the electrical grid, streamlining oversight of the DHS and the regulation of American businesses – particularly the energy sector."[113] On January 28, 2015 hearings were held by the HSGAC on the subject of "Protecting America from Cyber Attacks: The Importance of Information Sharing."[114] Other important cyber related hearings include those on the topics of: The IRS Data Breach: Steps to Protect Americans' Personal Information;[115] and Under Attack: Federal Cybersecurity and the OPM Data Breach.[116] Membership of the Senate

---

After Liberty Reserve, Silk Road, and Mt. Gox?, 20 RICH. J.L. & TECH. 13 (2014), *available at* http://www.ssrn.com/abstract=2393537.

[113] Robert Kelner, Lanny Breuer, Dan Bryant, Ethan Posner, Brian Smith & Richard Hertling, Congressional Investigations Outlook in the 114th Congress, Covington & Burling, (Dec. 18, 2014), *available at* *http://www.cov.com/files/Publication/c04b2ca8-a5fe-4381-a021-458f848d5ab0/Presentation/PublicationAttachment/debf792e-33a3-417c-bf0c-46ab451cde65/Congressional_Investigations_Outlook_in_the_114th_Congress.pdf* (last viewed Sept. 2, 2015).

[114] Protecting America from Cyber Attacks: The Importance of Information Sharing: Hearing Before the Senate Homeland Security and Government Affairs Comm.,114th Cong. (2015), *available at* http://www.hsgac.senate.gov/hearings/protecting-america-from-cyber-attacks-the-importance-of-information-sharing (last viewed Sept. 2, 2015).

[115] The IRS Data Breach: Steps to Protect Americans' Personal Information, Hearing Before the Senate Homeland Security & Governmental Affairs Comm., 114th Cong. (2015), *available at* *http://www.hsgac.senate.gov/hearings/the-irs-data-breach-steps-to-protect-americans-personal-information*.

[116] Under Attack: Federal Cybersecurity and the OPM Data Breach, Hearing Before the Senate Homeland Security & Governmental Affairs

Homeland Security and Government Affairs Committee is as follows:[117]

MAJORITY (Republican)	MINORITY (Democratic)
Ron Johnson, Wisconsin, Chairman	Thomas R. Carper, Delaware, Ranking Member
John McCain, Arizona	Claire McCaskill, Missouri
Rob Portman, Ohio	Jon Tester, Montana
Rand Paul, Kentucky	Tammy Baldwin, Wisconsin
James Lankford, Oklahoma	Heidi Heitkamp, North Dakota
Michael B. Enzi, Wyoming	Cory A. Booker, New Jersey
Kelly Ayotte, New Hampshire	Gary C. Peters, Michigan
Joni Ernst, Iowa	
Ben Sasse, Nebraska	

Key Staff:
Majority and Non-Designated:
Majority Staff Director ..... Keith Ashdown
Majority Chief Counsel..... Christopher Hixon
Majority Chief Counsel (Gov. Affairs) ..... Patrick Bailey
Majority Deputy Chief Counsel (Governmental Affairs) ..... Gabrielle Singer
Majority Chief Counsel (for Investigations)..... David Brewer
Majority Chief Counsel (for

Comm., 114th Cong. (2015), *available at* http://www.hsgac.senate.gov/hearings/under-attack-federal-cybersecurity-and-the-opm-data-breach.

[117] U.S. Senate Homeland Security & Governmental Affairs Committee, About the Committee, *available at* http://www.hsgac.senate.gov/about (last viewed Sept. 2, 2015).

Homeland Security.....William McKenna
Majority Deputy Chief Counsel
(for Homeland Security) .....Brooke Ericson
Majority Counsel .....Courtney Allen,
Kyle Brosnan,
Caroline Ingram,
Michael Lueptow
Chief Economist..... Satya Thallam
Senior Policy Advisor .....Roland Foster
Senior Investigators ..... Brian Downey
Luke Rosiak
Majority Sr. Professional Staff ..... Sean Casey
Gabriel Sudduth
Majority Professional Staff..... Colleen Berny,
Joshua McLeod,
Rebecca Nuzzi,
Jennifer Scheaffer
Chief Clerk.....Laura Kilbride
Hearing Clerk ..... Lauren Corcoran
Budget and Payroll Manager..... Claudette David

Systems Administrator .....Dan Muchow,
Scott Langill (Deputy)
Publications Clerk .....Joyce War
Archivist..... Katie Delacenserie
Research Assistants..... Chris Boness
Other Staff..... Drew Baney
Cory Wilson

Majority Staff Subject Area:
Homeland Security & Counter
Terrorism .....David Luckey

Minority Staff:
Minority Staff Director ..... Gabrielle Batkin

Minority Staff Director ..... John Kilvington
Minority Chief Counsel ..... Mary Beth Schultz
Minority Chief Counsel (for Governmental Affairs) ..... Troy Cribb
Minority Chief Counsel (forHomeland Security) ..... Stephen Viña
Minority Senior Counsel ..... Holly Idelson, Kata Sybenga
Minority Communications Director ..... Jennie Westbrook
Minority Press Assistant ..... Jill Farquharson
Minority Sr. Professional Staff ..... Harlan Geer, Matt Grote, John Kane, Peter Tyler
Minority Professional Staff ..... Deirdre Armstrong, Brian Turbyfill
Minority Legislative Assistant ..... Robert Bradley
Minority Legislative Aides ..... Brian Papp, Abby Shenkle

Other Minority Staff ..... Paul Babiarz, Charles Carithers, Susan Corbin, Bruce Marsh, Jill Mueller, Richard Colley

A. PERMANENT SUBCOMMITTEE ON INVESTIGATIONS (PDI)

During May 2014, the Permanent Subcommittee on Investigations held a hearing, "Online Advertising and Hidden Hazards to Consumer Security and Data Privacy,"

to "investigate data collection processes and security vulnerabilities that have inflicted significant costs on Internet users and American businesses."[118] Membership of the Senate HSGAC's Permanent Subcommittee on Investigations consists of:[119]

MAJORITY (Republican)	MINORITY (Democratic)
Rob Portman, Ohio, Chairman John McCain, Arizona Rand Paul, Kentucky James Lankford, Oklahoma Kelly Ayotte, New Hampshire Ben Sasse, Nebraska	Claire McCaskill, MO, Ranking Member Jon Tester, Montana Tammy Baldwin, Wisconsin Heidi Heitkamp, North Dakota

Key Staff:

Majority Staff Director ..... Brian Callanan
Majority Chief Counsel..... Derek Lyons
Majority Senior Counsel..... Mark Angehr
Majority Counsel ..... Philip Alito, Andrew Polesovsky

---

[118] Online Advertising and Hidden Hazards to Consumer Security and data Privacy: Hearing Before the Senate Homeland Security and Government Affairs Comm., Permanent Subcomm. on Investigations, 113th Cong. (2014), *available at* http://www.hsgac.senate.gov/hearings/online-advertising-and-hidden-hazards-to-consumer-security-and-data-privacy (last viewed Sept. 2, 2015).

[119] U.S. Senate Homeland Security & Governmental Affairs Committee, Permanent Subcommittee on Investigations, About the Permanent Subcommittee on Investigations, *available at* *http://www.hsgac.senate.gov/subcommittees/investigations/about* (last viewed Sept. 2, 2015).

Majority Policy Director..... Brent Bombach

C. *Minority Staff Members:*

Minority Staff Director ..... Margaret Daum

Minority Counsel ..... Joseph Eaton,
Sarah Garcia,
Robert Roach,
Brandon Reavis

Minority Professional Staff..... Adam Henderson

X. Senate Select Committee on Intelligence

Given the continued growth of suspected nation state involvement in cyberattacks, the Senate Select Committee on Intelligence (SSCI) plays an important role in the fabric of congressional cybersecurity oversight.[120] The SSCI was created during 1976 as the appropriate committee to "oversee and make continuing studies of [U.S.] intelligence activities and programs…," to "submit…appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs," and to "provide vigilant legislative oversight over the intelligence activities… to assure that such activities are… Constitutional and [lawful]."[121] As a

---

[120] U.S. Senate Select Committee on Intelligence, About the Committee, Overview of the Senate Select Committee on Intelligence: Responsibilities and Activities, *available at* http://www.intelligence.senate.gov/about.html (last viewed Sept. 2, 2015).

[121] U.S. Senate Select Committee on Intelligence, About the Committee, Overview of the Senate Select Committee on Intelligence: Responsibilities and Activities, *available at* http://www.intelligence.senate.gov/about.html (last viewed Sept. 2, 2015).

"select" rather than "standing" committee, the Senate majority and minority leaders are responsible for choosing SSCI members "rather than determined in the party caucuses that preceded each new Congress. The committee's chairman and vice chairman would be selected by their respective caucus but could not, at the same time, serve as chairman or ranking minority member of a major standing committee."[122]

Committee membership is set at 15: "eight from the majority party and seven from the minority. The one-seat majority is dictated by Senate resolution and, unlike most other committees, does not change in proportion with the overall Senate ratio of majority to minority membership."[123] The SSCI is intentionally structured to promote bipartisanship, with "two members (one per side) from the Appropriations, Armed Services, Foreign Relations, and Judiciary Committees in order to ensure appropriate coordination with those Committees. The Senate Majority and Minority Leaders and the Chairman and Ranking Member of the Armed Services Committee serve as ex officio SSCI members."[124] The SSCI describes its activities as follows

---

[122] L. Britt Snyder, The Agency and the Hill: CIA's Relationship with Congress, 1946-2004, Center for the Study of Intelligence, U.S. Central Intelligence Agency (2008), *available at* https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/books-and-monographs/agency-and-the-hill/index.html (last viewed Sept. 2, 2015).

[123] U.S. Senate Select Committee on Intelligence, About the Committee, Overview of the Senate Select Committee on Intelligence: Responsibilities and Activities, *available at* http://www.intelligence.senate.gov/about.html (last viewed Sept. 2, 2015).

[124] *Id.*

- Hearings: The Committee meets roughly twice a week for 1 1/2 to 2 hours, generally in closed session. Most hearings involve appearances by senior Intelli-gence Community officials—heads of agencies, senior program managers, and senior intelligence analysts—who present testimony and answer Senators' questions. The topics for hearings include agency activities, intelligence collection programs, and intelligence analysis on a geographic region or issue (e.g., stability in the Middle East, Iran's nuclear program, terrorism threats). The Committee occasionally meets in open session, such as annual hearings to receive intelligence testimony on the national security threats to the United States, and for the Committee to consider the President's nomin-ees to intelligence positions requiring Senate confirmation.
- Legislation: The Committee writes an annual intelligence authorization bill that authorizes funding levels for intelligence activities (these set caps for agency funding) and provides legislative provisions that limit or allow intelligence conduct. The Committee also periodically con-siders stand-alone legislation, including laws governing sur-veillance of U.S. citizens (such as the Foreign Intelligence Surveillance Act, known as "FISA"). On occasion,

the Committee reviews intelligence aspects of treaties as part of the Senate's ratification process.

- Investigations and Reviews: The Committee conducts reviews of intelligence programs or events, ranging from routine and contin-uing study (the conduct of covert action programs and intelligence operations) to formal inquiries.
- Confirmations: The Committee considers and makes recomm-endations to the Senate for the President's nominees to serve in intelligence positions requiring the Senate's confirmation.
- Analysis: The Committee receives and reviews intelligence analysis on a broad range of topics to inform policy decisions.
- Daily Oversight: The Committ-ee, through its staff, tracks the regular collection and analysis activities of the Intelligence Community, enabling the Comm-ittee to engage with the Intelligence Community early on if it becomes aware of an issue. The Committee's Audit and Oversight staff conducts longer-term oversight projects.[125]

---

[125] *Id*. *See also* Nicholas R. Seabrook & Nick Cole, Secret Law: The Politics of Appointments to the U.S. Foreign Intelligence Surveillance Court (unpublished manuscript, on file with author).

During March 2015, the Senate Intelligence Committee passed the *Cybersecurity Information Sharing Act (S.754)*, creating "additional incentives to increase sharing of cybersecurity threat information while protecting individual privacy and civil liberties interests and offering liability protection to the private sector."[126]

Membership of the Senate Select Committee on Intelligence for the 114th Congress is as follows:[127]

MAJORITY (Republican)	MINORITY (Democratic)
Richard Burr, North Carolina, Chairman	Dianne Feinstein, Calif., Vice Chairman
James Risch, Idaho	Ron Wyden, Oregon
Dan Coats, Indiana	Barbara Mikulski, Maryland
Marco Rubio, Florida	Mark Warner, Virginia
Susan Collins, Maine	Martin Heinrich, New Mexico
Roy Blunt, Missouri	Angus King, Maine
James Lankford, Oklahoma	Mazie Hirono, Hawaii
Tom Cotton, Arkansas	Harry Reid, Nevada, Ex Officio
Mitch McConnell, Kentucky, Ex Officio	Jack Reed, Rhode Island,
John McCain, Arizona, Ex Officio	

[126] Press Release, Senate Intelligence Committee Introduces Cybersecurity Bill, Addresses Privacy Concerns, U.S. Senate Select Committee on Intelligence (Mar. 18, 2015), *available at http://www.intelligence.senate.gov/press/senate-intelligence-committee-introduces-cybersecurity-bill-addresses-privacy-concerns* (last viewed Sept. 2, 2015).

[127] U.S. Senate Select Committee on Intelligence, Members 114th Congress (2015-2016), *available at* http://www.intelligence.senate.gov/memberscurrent.html (last viewed Sept. 2, 2015).

	Ex Officio

Key Staff:
Majority Staff Director ..... Chris Joyner
Majority Deputy Staff Director..... Jack Livingston
Majority General Counsel ..... Michael Geffroy
Minority Staff Director ..... David Grannis
Minority Deputy Staff Director..... Kerry Sutten
Counsel ..... Michael Buchwald, Brett Freedman
Professional Staff ..... Nate Adler
Director of Technology & Information management..... Oliver Galloway
Court Reporter..... Mark Egan
Senior Staff Assistant ..... Nicolette Fedorov
Subject Matter Experts..... Josh Alexander, ... Walter Weiss
Bipartisan Professional Staff: ..... Jennifer Barrett, Randy Bookout, Jim Catella, Christian Cook, John Dickas, Evan Gottesman, Tressa Guenov, Emily Harding, Dan Jones, Ryan Kaldahl, John Matchison, Paul Matulic, Tara McFeely, Hayden Milberg, Brian Miller, Matt Pollard, Jon Rosenwasser, Chad Tanner, Lorne Teitelbaum, Ryan Tully, Brian Walsh, and Ryan White

XI. SENATE JUDICIARY COMMITTEE

Established in 1816 as one of the original Senate standing committees, the influential Senate Committee on the Judiciary enjoys broad legislative jurisdiction, thus assuring "its primary role as a forum for the public discussion of social and constitutional issues. The Committee is also responsible for oversight of key activities of the executive branch, and is responsible for the

initial stages of the confirmation process of all judicial nominations for the federal judiciary."[128] Regarding jurisdiction, the Committee states

> In addition to its critical role in providing oversight of the Department of Justice and the agencies under the Department's jurisdiction, including the Federal Bureau of Investigation, and the Department of Homeland Security, the Judiciary Committee plays an important role in the consideration of nominations and pending legislat-ion… Executive nominations for positions and… select nominations for the Department of Homeland Security and the Department of Commerce are referred to the Senate Judiciary Committee… In addition to its role in conducting oversight and consideration of nominations, the Senate Judiciary Committee also considers legislation, resolutions, messages, petitions, memorials and other matters, as provided for in the Standing Rules of the Senate. These areas include: Civil liberties… Government information… Judicial proceedings, civil and criminal, generally… Patent Office; Patents, copyrights, and trademarks… and Protection of trade and commerce against unlawful restraints and monopolies.[129]

---

[128] United States Senate Committee on the Judiciary, History, *available at* http://www.judiciary.senate.gov/about/history (last viewed Sept. 2, 2015).

[129] United States Senate Committee on the Judiciary, Jurisdiction,

Presented below is the Senate Judiciary Committee membership:[130]

MAJORITY (Republican)	MINORITY (Democratic)
Chuck Grassley, Iowa, Chairman	Patrick Leahy, Vermont, Ranking Member.
Orrin G. Hatch, Utah	Dianne Feinstein, California
Jeff Sessions, Alabama	Charles Schumer, New York
Lindsey Graham, South Carolina	Dick Durbin, Illinois
John Cornyn, Texas	Sheldon Whitehouse, Rhode Island
Michael S. Lee, Utah	Amy Klobuchar, Minnesota
Ted Cruz, Texas	Al Franken, Minnesota
Jeff Flake, Arizona	Christopher A. Coons, Delaware
David Vitter, Louisiana	Richard Blumenthal, Connecticut
David Perdue, Georgia	
Thom Tillis, North Carolina	

Key Staff:
Majority and Non-Designated:
Majority Staff Director ..... Kolan Davis
Majority Deputy Staff Director ..... Rita Lari
Majority Chief Counsel (for Nominations) ..... Ted Lehman
Chief Investigative Counsel ..... Jason Foster
Majority Investigative Counsel ..... Josh Flynn-Brown
Paul Junge,
Jay Lim,

available at http://www.judiciary.senate.gov/about/jurisdiction (last viewed Sept. 2, 2015).

[130] United States Senate Committee on the Judiciary, Members, *available at* http://www.judiciary.senate.gov/about/members (last viewed Sept. 2, 2015).

Katherine Nikas
Majority Counsel ..... Fred Ansell,
Nathan Hallford,
Tim Kelly,
DeLisa Lay, Lauren
Mehler, Jonathan Nebavi
Majority Counsel to
Sen. Hatch ..... Matthew Sandgren
Majority Communications
Director ..... Beth Levine
Majority Press Secretary ..... Taylor Foy
Majority Professional Staff ..... Barbara Ledeen,
Kasey O'Connor,
Jeffrey Snyder
Other Majority Staff ..... Theresa Bauman,
Francis Cissna,
Jacob Neilson

Minority Staff:
Minority Staff Director ..... Kristine Lucius
Minority General Counsel
(for National Security) ..... Lara Flint
Minority General Counsel
(for Nominations & Oversight) ..... Maggie Whitney
Minority Chief Counsel to
Senator Feinstein ..... Neil F. Quinter
Minority Senior Counsel ..... Chanda Betourney,
Alexandra Givens,
Josh Hsu
Minority Counsel ..... Garrett Levin,
Nazneen Mehta,
David Pendle,
Olga Medina
Minority Counsel to
Senator Feinstein ..... Eric Haren

Minority Legislative Counsel..... Emily Livingston
Minority Press Secretary .....Jessica Brady
Minority Chief Clerk.....Roslyne Turner
Minority Law Librarian..... Charles Papirmeister
Minority Professional Staff.....Patrick Sheahan,
Scott Wilson
Adrienne Wojciechowski
Minority Legislative Staff..... Logan Gregoire,
Dan Taylor

A. SUBCOMMITTEE ON CRIME AND TERRORISM

The Senate Judiciary Committee's Subcommittee on Crime and Terrorism describes its jurisdiction as follows:

> (1) Oversight of the Department of Justice's (a) Criminal Division, (b) Drug Enforcement Administration, (c) Executive Office for U.S. Attorneys, (d) Office on Violence Against Women, (e) U.S. Marshals Service, (f) Community Oriented Policing Services and related law enforcement grants, (g) Bureau of Prisons, (h) Office of the Pardon Attorney, (i) U.S. Parole Commiss-ion, (j) Federal Bureau of Investig-ation, and (k) Bureau of Alcohol, Tobacco, Firearms, and Explosives, as it relates to crime or drug policy; (2) Oversight of the U.S. Sentencing Commission; (3) Youth violence and directly related

> issues; (4) Federal programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (including the Runaway and Homeless Youth Act); (5) Criminal justice and victims' rights policy; (6) Oversight of the Office of National Drug Control Policy; (7) Oversight of the U.S. Secret Service; (8) Corrections, rehabilitation, reentry and other detention-related policy; and (9) Parole and probation policy; (10) Oversight of anti-terrorism enforce-ment and policy; (11) Oversight of Department of Homeland Security functions as they relate to anti-terrorism enforcement and policy; (12) Oversight of State Department consular operations as they relate to anti-terrorism enforcement and policy; (13) Oversight of encryption policies and export licensing; and (14) Oversight of espionage laws and their enforcement.[131]

Membership of the Judiciary Committee's Subcommittee on Crime and Terrorism is presented below:[132]

---

[131] United States Senate Committee on the Judiciary, About the Committee, Subcommittees: Subcommittee on Crime and Terrorism, *available at* http://www.judiciary.senate.gov/about/subcommittees#crime (last viewed Sept. 2, 2015).

[132] United States Senate Committee on the Judiciary, Members,

MAJORITY (Republican)	MINORITY (Democratic)
Lindsey Graham, South Carolina, Chair David Vitter, Louisiana Jeff Sessions, Alabama John Cornyn, Texas Jeff Flake, Arizona Chuck Grassley, Iowa, Ex Officio	Sheldon Whitehouse, RI, Ranking Mbr. Charles Schumer, New York Amy Klobuchar, Minnesota Al Franken, Minnesota Patrick Leahy, Vermont, Ex Officio

Key Staff:

Majority General Counsel ..... Lee Holmes
Professional Staff..... Scott Graber
Minority Chief Counsel.....Ayo Griffin
Minority Counsel .....Michael Fischer
Minority Legislative Counsel..... Lara Quint

B. SUBCOMMITTEE ON PRIVACY, TECHNOLOGY AND THE LAW

The Senate Judiciary Committee's Subcommittee on Privacy, Technology and the Law provides the following description regarding its jurisdiction:

> (1) Oversight of laws and policies governing the collection, protection, use and dissemination of commercial information by the private sector, including online behavioral advertising, privacy within social networking websites and other online privacy issues;

---

available at http://www.judiciary.senate.gov/about/members (last viewed Sept. 2, 2015).

> (2) Enforcement and implementation of commercial information privacy laws and policies; (3) Use of technology by the private sector to protect privacy, enhance transparency and encourage innovation; (4) Privacy standards for the collection, retention, use and dissemination of personally iden-tifiable commercial information; and (5) Privacy implications of new or emerging technologies.[133]

Presented below is a list of membership of the Judiciary Committee's Subcommittee on Privacy, Technology and the Law:[134]

MAJORITY (Republican)	MINORITY (Democratic)
Jeff Flake, Arizona, Chairman	Al Franken, Ranking Member
Orrin G. Hatch, Utah	Dianne Feinstein, California
David Perdue, Georgia	Charles Schumer, New York
Michael S. Lee, Utah	Sheldon Whitehouse, Rhode Island
Thom Tillis, North Carolina	Christopher Coons, Delaware
Lindsey Graham, South Carolina	Patrick Leahy, Vermont, Ex
Chuck Grassley, Iowa, Ex	

[133] United States Senate Committee on the Judiciary, About the Committee, Subcommittees: Subcommittee on Privacy, Technology and the Law, *available at* *http://www.judiciary.senate.gov/about/subcommittees#privacy* (last viewed Sept. 2, 2015).

[134] United States Senate Committee on the Judiciary, Members, *available at* http://www.judiciary.senate.gov/about/members (last viewed Sept. 2, 2015).

Officio	Officio

Key Staff:

Majority Legislative Correspondent.....Adam Kazda
Minority Judiciary Counsel .....Leslie Hylton, Nick Wunder
Minority Counsel Detailee..... Samantha Chaifetz

XII. The House

Professor Charles Jones observes that Congressional committees form "the framework within which legislative populations are formed for participating in cross-institutional networks."[135] The following committees in the House are expected to play a role in cybersecurity oversight during the 114th Congress: Armed Services; Energy and Commerce; Homeland Security; Oversight and Government Reform; Permanent Select Committee on Intelligence; and Science and Space Technology.

XIII. Armed Services Committee

The House Committee on Armed Services has exclusive jurisdiction over matters of "defense policy generally, ongoing military operations, the organization and reform of the Department of Defense and Department of Energy, counter-drug programs, acquisition and industrial

[135] CHARLES O. JONES, THE UNITED STATES CONGRESS: PEOPLE, PLACE, AND POLICY, 202 Dorsey Press (1982).

base policy, technology transfer and export controls, joint interoperability, the Cooperative Threat Reduction program, Department of Energy nonproliferation programs, and detainee affairs and policy."[136] Membership of the House Committee on Armed Services for the 114th Congress is as follows:

MAJORITY (Republican)	MINORITY (Democratic)
Mac Thornberry, Texas, Chairman	Adam Smith, Wash., Ranking Member
Walter B. Jones, North Carolina	Loretta Sanchez, California
J. Randy Forbes, Virginia	Robert A. Brady, Pennsylvania
Jeff Miller, Florida	Susan A. Davis, California
Joe Wilson, South Carolina	James R. Langevin, Rhode Island
Frank A. LoBiondo, New Jersey	Rick Larsen, Washington
Rob Bishop, Utah	Jim Cooper, Tennessee
Michael R. Turner, Ohio	Madeleine Z. Bordallo, Guam
John Kline, Minnesota	Joe Courtney, Connecticut
Mike Rogers, Alabama	Niki Tsongas, Massachusetts
Trent Franks, Arizona	John Garamendi, California
Bill Shuster, Pennsylvania	Henry C. "Hank" Johnson Jr., Georgia
K. Michael Conaway, Texas	Jackie Speier, California
Doug Lamborn, Colorado	Joaquin Castro, Texas
Robert J. Wittman, Virginia	Tammy Duckworth, Illinois
Duncan Hunter, California	Scott H. Peters, California
John Fleming, Louisiana	
Mike Coffman, Colorado	

[136] U.S. House Committee on Armed Services, Armed Services Committee, Committee Jurisdiction and Rules, *available at* http://armedservices.house.gov/index.cfm/committee-rules (last viewed Sept. 2, 2015).

Chris P. Gibson, New York	Marc A. Veasey, Texas
Vicky Hartzler, Missouri	Tulsi Gabbard, Hawaii
Joseph J. Heck, Nevada	Timothy Walz, Minnesota
Austin Scott, Georgia	Beto O'Rourke, Texas
Mo Brooks, Alabama	Donald Norcross, New Jersey
Richard B. Nugent, Florida	Ruben Gallego, Arizona
Paul Cook, California	Mark Takai, Hawaii
Jim Bridenstine, Oklahoma	Gwen Graham, Florida
Brad R. Wenstrup, Ohio	Brad Ashford, Nebraska
Jackie Walorski, Indiana	Seth Moulton, Massachusetts
Bradley Byrne, Alabama	Pete Aguilar, California
Sam Graves, Missouri	
Ryan Zinke, Montana	
Elise Stefanik, New York	
Martha McSally, Arizona	
Steve Knight, California	
Tom MacArthur, New Jersey	
Steve Russell, Oklahoma	

Key Staff:
Majority and Non-Designated:
Majority Staff Director .....Robert Simmons
Majority Deputy Staff Director.....Jenness Simler
Exec. Assistant to Staff Director..... Candace Wagner
Majority General Counsel .....Catherine McElroy
Majority Counsel ..... Tim Morrison
Majority Director of Communications ..... Claude Chafin
Majority Press Secretary ..... Nick Mikula
Majority Spokesperson..... Alison Lynn
Majority Professional Staff:…….Heath Bope, Christopher Bright, Jaime Beth Cheshire, Everett Coleman, Elizabeth Conrad, Ryan Crumpler, Alexander Gallo, Kevin

Gates, Dave Giachetti, Jeanette James, Stephen Kitay, Michael Miller, Mark Moorehouse, Rebecca Ross, Jack Schuler, Katie Sendak, David Sienicki, John Sullivan, Jesse Tolleson, Peter Villano, Drew Walter, John Wason, Joseph Whited, and Lynn Williams

Majority Clerks..... Colin Bosse,
Michael Tehrani,
Abigail Gage,
Katie Rember,
Eric Smith,
Kathryn Thompson
Security Manager.....Cyndi Howard

Minority Staff:
Minority Staff Director .....Paul Arcangeli
Exec. Assistant to Staff Director.....Betty Gray
Minority Counsel ..... William Johnson,
..... Leonor Tomero
Minority Professional Staff.... .....Michael Amato,
.....Douglas Bush,
Mike Casey,
Brian Garrett,
Craig Greene,
Lindsay Kavanaugh,
Phil MacNaughton,
Vickie Plunkett

A. SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS

The subcommittee on Oversight and Investigations conducts investigations and studies of all jurisdictional areas held by "the House Armed Services Committee,

including inquiries into allegations of waste, fraud, abuse, and wrongdoing and inefficiencies within the Department of Defense. Members and staff conduct comprehensive oversight studies of major programs and issues and produce reports for the Committee and DOD providing recommendations and improvements of these programs."[137] Membership of the House Committee on Armed Services Committee's Subcommittee on Oversight and Investigations is as follows:[138]

MAJORITY (Republican)	MINORITY (Democratic)
Vicky Hartzler, Missouri, Chairman Jeff Miller, Florida K. Michael Conaway, Texas Joseph J. Heck, Nevada Austin Scott, Georgia Martha McSally, Arizona Mac Thornberry, Texas, Ex Officio	Jackie Speier, California, Ranking Member Jim Cooper, Tennessee Henry C. "Hank" Johnson Jr., Georgia Gwen Graham, Florida Adam Smith, Washington, Ex Officio

Key Staff:

Majority Staff Director ..... Christopher Bright
Majority Professional .....Heath Bope, Elizabeth Conrad
Other ..... Darreisha Bates
Minority Staff Director ..... Mike Amato

---

[137] U.S. House Committee on Armed Services, Subcommittees: Oversight & Investigations, Armed Services Republicans, *available at* http://armedservices.house.gov/index.cfm/oversight-investigations (last viewed Sept. 2, 2015).
[138] *Id*.

B. SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Responsibilities of the subcommittee on Emerging Threats and Capabilities include "overseeing counter-terrorism programs and initiatives and counter proliferation of weapons of mass destruction. Additionally, this subcommittee oversees U.S. Special Operations Forces, the Defense Advanced Research Projects Agency (DARPA), information technology and programs, force protection policy and oversight, and related intelligence support … [ensuring protection] against terrorist attacks and unconventional threats."[139] Membership of the House Committee on Armed Services Committee's Subcommittee on Emerging Threats and Capabilities is as follows:[140]

MAJORITY (Republican)	MINORITY (Democratic)
Joe Wilson, South Carolina, Chairman	James R. Langevin, Rhode Island,
John Kline, Minnesota	Ranking Member
Bill Shuster, Pennsylvania	Jim Cooper, Tennessee
Duncan Hunter, California	John Garamendi, California
Richard B. Nugent, Florida	Joaquin Castro, Texas
Ryan Zinke, Montana	Marc A. Veasey, Texas
Trent Franks, Arizona	Donald Norcross, New
Doug Lamborn, Colorado	Jersey
Mo Brooks, Alabama	Brad Ashford, Nebraska
Bradley Byrne, Alabama	Pete Aguilar, California

[139] U.S. House Committee on Armed Services, Subcommittees: Emerging Threats and Capabilities, Armed Services Republicans, *available at* http://armedservices.house.gov/index.cfm/emerging-threats-and-capabilities (last viewed Sept. 2, 2015).
[140] *Id*.

Elise Stefanik, New York Mac Thornberry, Texas, Ex Officio	Adam Smith, Washington, Ex Officio

Key Staff:

Majority Staff Director ..... Peter Villano
Majority Professional Staff.....Kevin Gates
Minority Staff Director ..... Lindsay Kavanaugh
Minority Professional Staff..... Brian Garrett

XIV. Energy & Commerce Committee

Created on December 14, 1795, the oldest House standing legislative committee is the Committee on Energy and Commerce (E&C). The Energy and Commerce Committee "is vested with the broadest jurisdiction of any congressional authorizing committee. Today it has responsibility for the nation's telecommunications, consumer protection, food and drug safety, public health research, environmental quality, energy policy, and interstate and foreign commerce."[141] The E&C Committee has oversight jurisdiction of multiple independent agencies and cabinet-level depart-ments, including the Departments of Commerce, Energy, Health and Human Services, and Transportation—and Environmental Protection Agency (EPA), Federal Communications Commiss-ion (FCC), Federal Trade Commission (FTC), and Food and Drug

[141] United States House of Representatives, Energy & Commerce Committee, Committee History, *available at* http://energycommerce.house.gov/about/committee-history (last viewed Sept. 2, 2015).

Administration (FDA).[142]

Energy and Commerce Committee Chairman Fred Upton observes that "Sadly, every American is now aware of the economic havoc that hacking can wreak on American soil… It is a threat to private investment, public companies, jobs, economic freedom, and overall growth. The Sony incident underscores the clear and present threat to America's thriving digital economy."[143] Accordingly, Chairman Upton announced that "the Energy and Commerce Committee will continue its active examination of this growing threat to jobs, whether from foreign nations, state enterprises, or other criminal elements. The economic damage is real, and we must work to protect American jobs and commerce."[144] Ranking member Frank Pallone states that the committee "will continue looking at ways to protect personal data from hackers, but we also need to craft new ways to make it harder for thieves and hackers to use personal information when it is stolen."[145]

The committee's previous cybersecurity threat and

---

[142] *Id*.

[143] Press Release, United States House of Representatives, Energy & Commerce Committee, On Heals of Sony Breach, Upton Announces Hearing Series in 2015 On Growing Threats to Digital Economy and Electronic Commerce (Dec. 19, 2014), *available at* http://energycommerce.house.gov/press-release/heels-sony-breach-upton-announces-hearing-series-2015-growing-threats-digital-economy-electronic-commerce (last viewed Sept. 2, 2015).

[144] *Id*.

[145] *See* Press Release, United States House of Representatives, Energy & Commerce Committee, Pallone, Degette, Schakowsky Urge Further Congressional Action to Address Cyber Attacks (June 5, 2015), *available at* *http://democrats.energycommerce.house.gov/?q=news/pallone-degette-schakowsky-urge-further-congressional-action-to-address-cyber-attacks* (last viewed Sept. 10, 2015).

security work has included such topics as: agency data protection; consumer information protection; intellectual property and technology protection; Internet governance and security; and supply chain security.[146] Subcommittees having jurisdiction over cybersecurity matters include: Commerce, Manufacturing, and Trade; Communications and Technology; Energy and Power; Health; and Oversight and Investigations.[147] Membership of the House Energy & Commerce Committee is as follows:[148]

MAJORITY (Republican)	MINORITY (Democratic)
Fred Upton, Michigan, Chairman	Frank Pallone, Jr., N. J., Ranking Member
Joe Barton, Texas, Chairman Emeritus	Bobby L. Rush, Illinois
Ed Whitfield, Kentucky	Anna G. Eshoo, California
John Shimkus, Illinois	Eliot L. Engel, New York
Joseph R. Pitts, Pennsylvania	Gene Green, Texas
Greg Walden, Oregon	Diana DeGette, Colorado
Tim Murphy, Pennsylvania	Lois Capps, California
Michael C. Burgess, Texas	Michael F. Doyle, Pennsylvania
Marsha Blackburn,	

[146] *Id*.

[147] United States House of Representatives, Energy & Commerce Committee, Subcommittees, *available at* http://energycommerce.house.gov/subcommittees (last viewed Sept. 2, 2015).

[148] United States House of Representatives, Energy & Commerce Committee, E&C Membership, *available at* http://energycommerce.house.gov/about/membership (last viewed Sept. 2, 2015).

Tennessee, Vice Chair Steve Scalise, Louisiana Bob Latta, Ohio Cathy McMorris Rodgers, Washington Gregg Harper, Mississippi Leonard Lance, New Jersey Brett Guthrie, Kentucky Pete Olson, Texas David McKinley, West Virginia Mike Pompeo, Kansas Adam Kinzinger, Illinois Morgan Griffith, Virginia Gus Bilirakis, Florida Bill Johnson, Ohio Billy Long, Missouri Renee Ellmers, North Carolina Larry Bucshon, Indiana Bill Flores, Texas Susan Brooks, Indiana Markwayne Mullin, Oklahoma Richard Hudson, North Carolina Chris Collins, New York Kevin Cramer, North Dakota	Jan Schakowsky, Illinois G. K. Butterfield, North Carolina Doris O. Matsui, California Kathy Castor, Florida John Sarbanes, Maryland Jerry McNerney, California Peter Welch, Vermont Ben Ray Lujan, New Mexico Paul Tonko, New York John Yarmuth, Kentucky Yvette D. Clarke, New York David Loebsack, Iowa Kurt Schrader, Oregon Joseph P. Kennedy III, Massachusetts Tony Cardenas, California

Key Staff:

Majority and Non-Designated:
Majority Staff Director ..... Gary Andres
Majority Deputy Staff Director..... Alexa Marrero
Majority General Counsel ..... Karen Christian
Majority Deputy General Counsel..... Peter Kielty
Majority Chief Counsel..... Charles Ingebretson
(Oversight & Investigations)
Alan Slobodin (Investigations)
Tom Hassenboehler
Majority Sr. Energy Counsel ..... Mary Neumayr
Majority Counsel ..... Patrick Currier,
Graham Default,
Melissa Froelich,
John Stone
Majority Senior Professional Staff..... Jerry Couri, Marty Dannenfelser, Paul Edattel, Robert Horne, Carly McWilliams, Brandon Mooney, Katie Novaria, John Ohly, Tim Pataki, Tara Rothschild, Peter Spencer, Olivia Trusty, and Andy Zach
Majority Professional Staff
Majority Senior Policy Advisor ..... Ray Baum
Majority Policy Coordinators..... Allison Busbee,
..... James Decker, Mark Ratner
..... Christopher Santini,
..... Chris Sarley,
..... Nick Abraham
Majority Legislative Clerks..... Will Batson,
..... Brittany Havens,
..... Kirby Howard,
..... Charlotte Savercool,
..... Jessica Wilkerson,
Majority Communications
Director..... Sean C. Bonyun
Majority Press Secretary ..... Noelle Clemente,

.....Dan Schneider
Majority Deputy Press Secretary..... Andy Duberstein
Majority Press Assistant..... Leighton Brown,
.....Macey Sevcik
Majority Staff Other..... David Bell,
..... Rebecca Card,
.....Sean Corcoran,
..... Greg Watson,
..... Jene Woodrow
Minority Staff:
Minority Staff Director ..... Jeff Carroll
Minority Deputy Staff Director..... Tiffany Guarascio
Minority Chief Counsel..... Timothy Robinson
Minority Communications Director..... Ashley Jones
Minority Press Secretary ..... Christine Brennan
Minority Professional Staff.....Michael Goo,
.....Arielle Woronoff
Minority Policy Staff..... Caitlin Haberman,
..... Adam Lowenstein
Minority Chief Clerk..... Jennifer Berenholz,
..... Elizabeth Ertel (Deputy)

A. SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE

The E&C Subcommittee on Commerce, Manufacturing, and Trade states that it "has consistently focused on sensible consumer protections for the 21st century. The panel leads the committee's efforts to address complex questions of individual privacy in the online ecosystem." Membership of the House Energy & Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade consists of:

MAJORITY (Republican)	MINORITY (Democratic)
Michael C. Burgess, Texas, Chairman Leonard Lance, New Jersey, Vice Chair Marsha Blackburn, Tennessee Gregg Harper, Mississippi Steven Brett Guthrie, Kentucky Pete Olson, Texas Mike Pompeo, Kansas Adam Kinzinger, Illinois Gus Bilirakis, Florida Susan Brooks, Indiana Markwayne Mullin, Oklahoma Fred Upton, Michigan, Ex Officio	Jan Schakowsky, Illinois, Ranking Member Yvette D. Clarke, New York Joseph P. Kennedy III, Massachusetts Tony Cardenas, California Bobby L. Rush, Illinois G. K. Butterfield, North Carolina Peter Welch, Vermont Frank Pallone, Jr., New Jersey, Ex Officio

Key Staff:

Majority Staff Director ..... Paul Nagle
Minority Chief Counsel ..... Michelle Ash
Counsel ..... Lisa Goldman

B. SUBCOMMITTEE ON COMMUNICAT-IONS AND TECHNOLOGY

The E&C Subcommittee on Communications and Technology states that its jurisdiction includes

> Electronic communications, both Interstate and foreign, including voice, video, audio and data, whether transmitted

> by wire or wirelessly, and whether transmitted by tele-communications, commercial or private mobile service, broadcast, cable, satellite, microwave, or other mode; technology generally; emergency and public safety commun-ications; cybersecurity, privacy, and data security; the Federal Commun-ications Commission, the National Telecommunications and Information Administration, the Office of Emergency Communications in the Department of Homeland Security; and all aspects of the above-referenced jurisdiction related to the Department of Homeland Security.[149]

Membership of the House Energy & Commerce Committee, Subcommittee on Communications and Technology is as follows:[150]

MAJORITY (Republican)	MINORITY (Democratic)
Greg Walden, Oregon, Chairman	Anna G. Eshoo, California, Ranking Member
Bob Latta, Ohio,	Michael F. Doyle,

[149] United States House of Representatives, Energy & Commerce Committee, Subcommittees: Communications and Technology, *available at* http://energycommerce.house.gov/subcommittees/communications-and-technology (last viewed Sept. 2, 2015).

[150] United States House of Representatives, Energy & Commerce Committee, Subcommittees: Communications and Technology, Membership *available at* http://energycommerce.house.gov/subcommittees/communications-and-technology (last viewed Sept. 2, 2015).

Vice Chairman John Shimkus, Illinois Marsha Blackburn, Tennessee Steve Scalise, Louisiana Leonard Lance, New Jersey Brett Guthrie, Kentucky Pete Olson, Texas Mike Pompeo, Kansas Adam Kinzinger, Illinois Gus Bilirakis, Florida Bill Johnson, Ohio Billy Long, Missouri Renee Ellmers, North Carolina Chris Collins, New York Kevin Cramer, North Dakota Joe Barton, Texas Fred Upton, Michigan, Ex Officio	Pennsylvania Peter Welch, Vermont John Yarmuth, Kentucky Yvette D. Clarke, New York David Loebsack, Iowa Bobby L. Rush, Illinois Diana DeGette, Colorado G. K. Butterfield, North Carolina Doris O. Matsui, California Jerry McNerney, California Ben Ray Lujan, New Mexico Frank Pallone, Jr., New Jersey, Ex Officio

Key Staff:

Majority Chief Counsel..... David Redl
Majority Counsel ..... Kelsey Guyselman, Grace Koh
Majority Seniorr Policy Advisor.....Ray Baum
Majority Other Staff.....Gene Fullano
Minority Chief Counsel.....David Goldman
Minority Policy Analyst ..... Ryan Skukowski

C. SUBCOMMITTEE ON ENERGY AND POWER

The E&C Subcommittee on Energy and Power has broad jurisdiction over matters involving "energy information… cybersecurity… all laws, programs, and government activities affecting energy matters, including all aspects of the above-referenced jurisdiction related to the Department of Homeland Security."[151] Membership of the House Energy & Commerce Committee, Subcommittee on Energy and Power consists of:[152]

MAJORITY (Republican)	MINORITY (Democratic)
Ed Whitfield, Kentucky, Chairman	Bobby L. Rush, Illinois, Ranking Member
Pete Olson, Texas, Vice Chair	Jerry McNerney, California
John Shimkus, Illinois	Paul Tonko, New York
Joseph R. Pitts, Pennsylvania	Eliot L. Engel, New York
Bob Latta, Ohio	Gene Green, Texas
Gregg Harper, Mississippi	Lois Capps, California
David McKinley, West Virginia	Michael F. Doyle, Pennsylvania
Mike Pompeo, Kansas	Kathy Castor, Florida
Adam Kinzinger, Illinois	John Sarbanes, Maryland
Morgan Griffith, Virginia	Peter Welch, Vermont
Bill Johnson, Ohio	John Yarmuth, Kentucky
Billy Long, Missouri	David Loebsack, Iowa
	Frank Pallone, Jr., N. J., Ex Officio

[151] United States House of Representatives, Energy & Commerce Committee, Subcommittees, Energy and Power, *available at* http://energycommerce.house.gov/subcommittees/energy-and-power (last viewed Sept. 2, 2015).
[152] *Id*.

Renee Ellmers, North Carolina Bill Flores, Texas Markwayne Mullin, Oklahoma Richard Hudson, North Carolina Joe Barton, Texas Fred Upton, Michigan, Ex Officio	

Key Staff:

Majority Chief Counsel..... Tom Hassenboehler
Majority Policy Advisor..... Allison Busbee
Minority Staff Director ..... Rick Kessl
Minority Chief Counsel.....Michael Goo
Professional Staff..... Caitlin Haberman

D. SUBCOMMITTEE ON HEALTH

During August 2015, the Subcommittee on Health published the results of a year-long investigation, detailing "serious structural flaws at HHS and its operating divisions, including the Food and Drug Administration and the National Institutes of Health, which have led to poor information security. These problems have left HHS vulnerable to cyberattacks, which the report outlines have been numerous the past few years."[153] Membership of the

[153] Press Release, New Report: Committee Investigation Finds Serious Deficiencies with HHS Information Security Practices, United States House of Representatives, Energy & Commerce Committee (Aug. 6, 2015), *available at* http://energycommerce.house.gov/sites/republicans.energycommerce.h

E&C Subcommittee on Health is as follows:[154]

MAJORITY (Republican)	MINORITY (Democratic)
Joe Pitts, Texas, Chairman Brett Guthrie, Kentucky, Vice Chairman Ed Whitfield, Kentucky John Shimkus, Illinois Tim Murphy, Pennsylvania Michael C. Burgess, Texas Marsha Blackburn, Tennessee Cathy McMorris Rodgers, Washington Leonard Lance, New Jersey Morgan Griffith, Virginia Gus Bilirakis, Florida Billy Long, Missouri Renee Ellmers, North Carolina Larry Bucshon, Indiana Susan Brooks, Indiana Chris Collins, New York Kevin Cramer, North Dakota	Gene Green, Texas, Ranking Member Eliot L. Engel, New York Lois Capps, California Jan Schakowsky, Illinois G. K. Butterfield, North Carolina Kathy Castor, Florida John Sarbanes, Maryland Doris O. Matsui, California Ben Ray Lujan, New Mexico Kurt Schrader, Oregon Joseph P. Kennedy III, Massachusetts Tony Cardenas, California Frank Pallone, Jr., N. J., Ex Officio

ouse.gov/files/114/Analysis/20150806HHSinformationsecurityreport.pdf (last viewed Sept. 2, 2015).

[154] United States House of Representatives, Energy & Commerce Committee, Subcommittees, Health, *available at* http://energycommerce.house.gov/subcommittees/health (last viewed Sept. 2, 2015).

Joe Barton, Texas Fred Upton, Michigan, Ex Officio	

Key Staff:

Majority Chief Counsel.....Clay Alspach
Majority Policy Advisor.....Heidi Stirrup
Other.....Michelle Rosenberg, Traci Vitek
Minority Counsel.....Arielle Woronoff
Majority Policy Advisor.....Rachel Pryor
Policy Analyst.....Ziky Ababiya

E. SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

The E&C Subcommittee on Oversight and Investigations states that it has "responsibility for oversight of agencies, departments and programs within the jurisdiction of the full committee, and for conducting investigations within such juris-diction."[155] Membership of the House Energy & Commerce Committee, Subcommittee on Oversight and Investigations is as follows:[156]

MAJORITY (Republican)	MINORITY (Democratic)
Tim Murphy,	Diana DeGette, Colorado,

[155] United States House of Representatives, Energy & Commerce Committee, Committee Jurisdiction, *available at* http://democrats.energycommerce.house.gov/index.php?q=page/committee-jurisdiction (last viewed Sept. 2, 2015).

[156] United States House of Representatives, Energy & Commerce Committee, Subcommittees: Oversight and Investigations, Membership *available at* http://energycommerce.house.gov/subcommittees/oversight-and-investigations (last viewed Sept. 2, 2015).

Pennsylvannia, Chairman David McKinley, West Virginia, Vice Chairman Michael C. Burgess, M.D., Texas Marsha Blackburn, Tennessee Morgan Griffith, Virginia Larry Bucshon, Indiana Bill Flores, Texas Susan Brooks, Indiana Markwayne Mullin, Oklahoma Richard Hudson, North Carolina Chris Collins, New York Kevin Cramer, North Dakota Joe Barton, Texas Fred Upton, Michigan, (Ex Officio)	Ranking Member Jan Schakowsky, Illinois Kathy Castor, Florida Paul Tonko, New York John Yarmuth, Kentucky Yvette D. Clarke, New York Joseph P. Kennedy, III, Massachusetts Gene Green, Texas Peter Welch, Vermont Frank Pallone, Jr., New Jersey, (Ex Officio)

Key Staff:

Majority Chief Counsel..... Charles Ingebretson
Minority Staff Director ..... Chris Knauer
Minority Counsel ..... Una Lee
Minority Professional Staff..... Debbie Letter

XV. House Committee on Financial Services

During oversight hearings on the topic "A Global Perspective on Cyber Threats," Frank J. Cilluffo testified

that a single U.S. bank confronted 30,000 cyber-attacks during the prior week alone.[157] Every day, an attack is mounted on average every 34 seconds, "and these attacks are just the attacks that the bank actually knows about, by virtue of a known malicious signature or IP address. As for the source of the known attacks, approximately 22,000 came from criminal organizations; and 400 from nation-states."[158] On June 24, 2015 the House Committee on Financial Services held hearings on "Evaluating the security of the U.S. Financial Sector."[159] Membership of the House Committee on Financial Services consists of:[160]

MAJORITY (Republican)	MINORITY (Democratic)
Jeb Hensarling, Texas, Chairman	Maxine Waters, California, Ranking Member
Peter T. King, New York	Carolyn B. Maloney, New York
Edward R. Royce,	Nydia M. Velázquez, New

[157] *See* A Global Perspective on Cyber Threats, Hearings Before House Comm. on Financial Serrvices, Subcommittee on Oversight and Investigations, 114th Cong. (2015) (statement of Frank J. Cilluffo, Director Center for Cyber and Homeland security, George Washington University), *available at* http://financialservices.house.gov/calendar/eventsingle.aspx?EventID=399216 (last viewed Sept. 1, 2015).

[158] *Id*.

[159] *See* Evaluating the Security of the U.S. Financial Sector: Hearings Before House Comm. on Financial Services, Subcommittee on Oversight and Investigations, 114th Cong. (2015), *available at* *http://financialservices.house.gov/calendar/eventsingle.aspx?EventID=399267* (last viewed Sept. 1, 2015).

[160] United States House of Representatives, House Committee on Financial Services, Committee Members, *available at* *http://financialservices.house.gov/about/members.htm* (last viewed Sept. 1, 2015).

California Frank D. Lucas, Oklahoma Scott Garrett, New Jersey Randy Neugebauer, Texas Patrick T. McHenry, North Carolina, Vice Chairman Stevan Pearce, New Mexico Bill Posey, Florida Michael G. Fitzpatrick, Pennsylvania Lynn A. Westmoreland, Georgia Blaine Luetkemeyer, Missouri Bill Huizenga, Michigan Sean P. Duffy, Wisconsin Robert Hurt, Virginia Steve Stivers, Ohio Stephen Lee Fincher, Tennessee Marlin A. Stutzman, Indiana Mick Mulvaney, South Carolina Randy Hultgren, Illinois Dennis A. Ross, Florida Robert Pittenger, North Carolina Ann Wagner, Missouri Andy Barr, Kentucky Keith J. Rothfus, Pennsylvania	York Brad Sherman, California Gregory W. Meeks, New York Michael E. Capuano, Massachusetts Rubén Hinojosa, Texas Wm. Lacy Clay, Missouri Stephen F. Lynch, Massachusetts David Scott, Georgia Al Green, Texas Emanuel Cleaver, Missouri Gwen Moore, Wisconsin Keith Ellison, Minnesota Ed Perlmutter, Colorado James A. Himes, Connecticut John C. Carney, Jr., Delaware Terri A. Sewell, Alabama Bill Foster, Illinois Daniel T. Kildee, Michigan Patrick Murphy, Florida John K. Delaney, Maryland Kyrsten Sinema, Arizona Joyce Beatty, Ohio Denny Heck, Washington Juan Vargas, California

Luke Messer, Indiana David Schweikert, Arizona Frank Guinta, New Hampshire Scott Tipton, Colorado Roger Williams, Texas Bruce Poliquin, Maine Mia Love, Utah French Hill, Arkansas Tom Emmer, Minnesota	

Key Staff:
Majority:
Majority Staff Director .....Shannon McGahn
Majority Deputy Staff Director.....Kirsten Mork,
..... Jeff Emerson (Communications)
Majority Policy Director..... Ed Skala
Majority Chief Counsel.....Jim Clinger
Majority Deputy Chief Counsel ..... Frank Medina
Majority General Counsel And
Parliamentarian.....Joseph Clark
Majority Chief Oversight Counsel..... Uttam Dhillon
Majority Senior Counsel and
Chief Advisor, Regulatory Policy ..... Ron Rubin
Majority Senior Counsel..... Kevin Edgar,
.....Brian Johnson,
.....Clinton Jones
Majority Counsel ..... Joe Gammello,
.....Rebekah Goshorn,
.....Brett Sisto
Majority Senior Professional
Staff..... Anthony Chang,
..... Tallman Johnson,
.....Joe Pinder

Majority Professional Staff..... Brian Anderson,
Jon Blum,
Chris Brown,
Katelyn Christ,
Marliss McManus,
Pete Meachum,
Brian O'Shea,
Jared Sawyer,
Bryan Wood
Majority Chief Economist..... Dino Falaschetti
Majority Legislative Assistant..... Chase Burgess
Majority Research Analyst..... Drew Davidhizar
Majority Communications Director.....David Popp
Majority Communications Assistant..... Maria Kim
Majority Digital Director ..... Scott Schmidt
Majority Administrative Assistant..... Angela Gambo

Minority Staff:
Minority Staff Director ..... Charla Ouertatani
Minority Deputy Staff Director..... Amanda Fischer
Minority Deputy Legislative
Director and Counsel.....Lisa Peto
Minority Senior Policy Director..... Erika Jeffers
Minority Senior Counsel..... Katelynn Bradley,
Jarrod Loadholt
Minority Counsel .....Esther Kahng,
..... Jason Lynch
Minority Senior Professional Staff..... Kris Erickson,
Corey Frayer,
Daniel McGlinchey,
Kirk Schwarzbach
Minority Professional Staff..... Ola Williams
Minority Communications
Director.....Christopher Spina

Minority Press Secretary ..... Nina Smith
Minority Press Assistant ..... Marcos Manosalvas

XVI. House Committee on Homeland Security

The House Committee on Homeland Security was chartered during 2002 to conduct hearings, craft necessary legislation on matters specific to homeland security, and to provide oversight over the U.S. Department of Homeland Security. Each of the Committee's six subcommittees appears to have some relationship to the issues germane to cybersecurity: Subcommittee on Border and Maritime Security; Subcommittee on Counterterrorism and Intelligence; Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies; Subcommittee on Emergency Preparedness, Response and Communications; Subcommittee on Oversight and Management Efficiency; and Subcommittee on Transportation Security.[161] During early 2015, the Committee on Homeland Security unanimously passed H.R. 1731, the *National Cybersecurity Protection Advancement (NCPA) Act of 2015*,[162] and sent it to the full

---

[161] United States House of Representatives, The House Committee on Homeland Security, About the Committee, *available at* http://homeland.house.gov/about/history-jurisdiction (last viewed Sept. 2, 2015).

[162] Press Release, Committee Moves Bill to Improve Cybersecurity, Protect American's Privacy: Bill Includes Liability and Privacy Protections for Voluntary Info-Sharing on Cyber Threats, United States House of Representatives, Committee on Homeland Security (Apr. 14, 2015), *available at* *http://homeland.house.gov/press-release/committee-moves-bill-improve-cybersecurity-protect-americans-privacy*. (last viewed Sept. 2, 2015).

House where it subsequently achieved passage.[163] Membership of the House Committee on Homeland Security for the 114th Congress follows:[164]

MAJORITY (Republican)	MINORITY (Democratic)
Michael McCaul, Texas, Chairman	Bennie Thompson, Mississippi,
Lamar Smith, Texas	Ranking Member
Peter King, New York	Loretta Sanchez, California
Mike Rogers, Alabama	Sheila Jackson Lee, Texas
Candice S. Miller, Michigan	James R. Langevin, Rhode Island
Jeff Duncan, South Carolina	Brian Higgins, New York
Tom Marino, Pennsylvania	Cedric L. Richmond, Louisiana
Lou Barletta, Pennsylvania	William R. Keating, Massachusetts
Scott Perry, Pennsylvania	Donald M. Payne Jr., New Jersey
Curtis Clawson, Florida	Filemon Vela, Texas
John Katko, New York	Bonnie Watson Coleman, New Jersey
Will Hurd, Texas	Kathleen M. Rice,
Earl L. "Buddy" Carter, Georgia	
Mark Walker, North Carolina	
Barry Loudermilk, Georgia	

[163] Press Release, Houses Passes Bipartisan Legislation to Help American Companies Better Protect Their Digital Networks, United States House of Representatives, Committee on Homeland Security (Apr. 23, 2015), *available at* *http://homeland.house.gov/press-release/house-passes-bipartisan-legislation-help-american-companies-better-protect-their* (last viewed Sept. 2, 2015).

[164] United States House of Representatives, The House Committee on Homeland Security, Membership, *available at* http://homeland.house.gov/about/membership (last viewed Sept. 2, 2015).

Martha McSally, Arizona John Ratcliffe, Texas Dan Donovan, New York	New York Norma J. Torres, California

Key Staff:
Majority and Non-Designated:
Majority Staff Director ..... Brendan Shields
Executive Asst. to the Director.....Madeline Matthews
Majority Deputy Staff Director.....Eric Heighberger
Majority General Counsel ..... Joan O'Hara,
Katy Flynn (Deputy)
Majority Sr. Professional Staff .....Luke Burke,
..... Alan Carroll,
.....Jason Miller
Majority Professional Staff.....Kate Bonvechio,
Chad Carlough,
Nicole Halavik,
Kyle Klein,
Erik Peterson,
Miles Taylor
Majority Communications Director..... Susan Phalen
Majority Deputy Press Secretary..... Margaret Moore
Majority Senior
Advisor.....Laura Fullerton (Strategy),
James Murphy
Majority Clerk..... Dennis Terry
Majority Security Director..... Kyle McFarland
Majority Staff Other.....Tina Garcia,
Jason Olin,
Keith Robinson

Bipartisan Staff:
Chief Clerk..... Mike Twinchek
Deputy Chief Clerk ..... Natalie Nixon

Minority Staff:
Minority Staff Director ..... Lanier Avant
Executive *Asst. to the Director*.....Shante Gauthier
Minority Chief Counsel..... Cohen (Legislation),
.....Hope Goins (Oversight)
Minority *Sr. Professional Staff*..... Cory Horton
Minority *Professional Staff*.....Alexandra Carnes,
Ashley Delgado,
Cedric Haynes,
Deborah Mack,
Lori Stith

A. SUBCOMMITTEE ON COUNTER-TERRORISM AND INTELLIGENCE

An example of the Subcommittee on Counterterrorism and Intelligence providing valuable cyber oversight is illustrated by the hearings held on the topic "Assessing Persistent and Emerging Cyber Threats to the U.S. Homeland."[165] Membership of the House Committee on Homeland Security's Subcommittee on Counterterrorism and Intelligence follow:[166]

---

[165] United States House of Representatives, The House Committee on Homeland Security, Joint Subcommittee Hearing: Assessing Persistent and Emerging Cyber Threats to the U.S. Homeland (May 21, 2014, *available at* http://homeland.house.gov/hearing/joint-subcommittee-hearing-assessing-persistent-and-emerging-cyber-threats-us-homeland (last viewed Sept. 2, 2015).

[166] United States House of Representatives, The House Committee on Homeland Security, Subcommittees: Counterterrorism and Intelligence,

MAJORITY (Republican)	MINORITY (Democratic)
Peter King, New York, Chairman Candice S. Miller, Michigan Lou Barletta, Pennsylvania John Katko, New York Will Hurd, Texas Michael McCaul, Texas, Ex Officio	Brian Higgins, New York, Ranking Member William R. Keating, Massachusetts Filemon Vela, Texas Bennie Thompson, Massachusetts, Ex Officio

Key Staff:

Majority Staff Director ..... Mandy Bowers
Majority Professional Staff ..... John Neal

Minority Director / Counsel..... Nicole Tisdale
Minority Professional Staff ..... Lori Stith

B. SUBCOMMITTEE ON CYBERSEC-URITY, INFRASTRUCTURE PROTEC-TION AND SECURITY TECHNOL-OGIES

One of many examples of subcommittee oversight, during 2015, the Committee on Homeland Security's Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies held hearings on the subject of "Emerging Threats and Technologies to Protect the

---

available at http://homeland.house.gov/subcommittee-CTI (last viewed Sept. 2, 2015).

Homeland."[167] Membership of the House Committee on Homeland Security's Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies follow:[168]

MAJORITY (Republican)	MINORITY (Democratic)
John Ratcliffe, Texas, Chairman	Cedric L. Richmond, Louisiana, Ranking Member
Peter King, New York	Loretta Sanchez, California
Tom Marino, Pennsylvania	Sheila Jackson Lee, Texas
Scott Perry, Pennsylvania	James R. Langevin, Rhode Island
Curtis Clawson, Florida	Bennie Thompson, Masachussetts, Ex Officio
Dan Donovan, New York	
Michael McCaul, Texas, Ex Officio	

Key Staff:

Majority Staff Director ..... Brett DeWitt
Majority Professional Staff ..... Bradley Saull
Majority Staff Other ..... David DeCroix

[167] United States House of Representatives, The House Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, Hearing: Emerging Threats and Technologies to Protect the Homeland (Feb. 12, 2015), *available at* http://homeland.house.gov/hearing/subcommittee-hearing-emerging-threats-and-technologies-protect-homeland (last viewed Sept. 2, 2015).

[168] United States House of Representatives, The House Committee on Homeland Security, Subcommittees: Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, *available at* http://homeland.house.gov/subcommittee-CIPST (last viewed Sept. 2, 2015).

Minority Staff Director ..... Christopher Schepis
Minority Professional Staff..... Cory Horton

C. SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE AND COMMUNICATIONS

An example of the Subcommittee on Emergency Preparedness, Response and Communications' oversight role is found in their previous hearings on the topic, "Cyber Incident Response: Bridging the Gap Between Cybersecurity and Emergency Management."[169] Membership of the House Committee on Homeland Security's Subcommittee on Emergency Preparedness, Response and Communications follow:[170]

MAJORITY (Republican)	MINORITY (Democratic)
Martha McSally, Arizona, Chair	Donald M. Payne Jr., New Jersey, Ranking Member
Tom Marino, Pennsylvania	Bonnie Watson Coleman, New Jersey
Mark Walker, North Carolina	

[169] United States House of Representatives, The House Committee on Homeland Security, Subcommittees: Subcommittee on Emergency Preparedness, Response and Communications, Joint Subcommittee Hearing: Cyber Incident Response: Bridging the Gap Between Cybersecurity and Emergency Management, 113th Cong. (2013), *available at* http://homeland.house.gov/hearing/joint-subcommittee-hearing-cyber-incident-response-bridging-gap-between-cybersecurity-and (last viewed Sept. 2, 2015).

[170] United States House of Representatives, The House Committee on Homeland Security, Subcommittees: Subcommittee on Emergency Preparedness, Response and Communications, *available at* http://homeland.house.gov/subcommittee-EPRC (last viewed Sept. 2, 2015).

Barry Loudermilk, Georgia Dan Donovan, New York Michael McCaul, Texas, Ex Officio	Kathleen M. Rice, New York Bennie Thompson, Masachussetts, Ex Officio

Key Staff:

Majority Staff Director .....Kerry Kenirons
Majority Professional Staff.....Kate Bonvechio,
.....Natalie Matson

Minority Staff Director .....Moira Bergin
Minority Professional Staff.....Ashley Delgado

D. SUBCOMMITTEE ON OVERSIGHT AND MANAGEMENT EFFICIENCY

One of many examples of subcommittee oversight, during 2013, the Committee on Homeland Security's Subcommittee on Oversight and Management Efficiency held hearings on the topic of DHS Information Technology: How Effectively Has DHS Harnessed IT to Secure Our Borders and Uphold Immigration Laws?"[171] Membership of the House Committee on Homeland Security's Subcommittee on Oversight and Management Efficiency follow:[172]

---

[171] United States House of Representatives, The House Committee on Homeland Security, Subcommittee Hearing: DHS Information Technology: How Effectively Has DHS Harnessed IT to Secure Our Borders and Uphold Immigration Laws, *available at* http://homeland.house.gov/hearing/subcommittee-hearing-dhs-information-technology-how-effectively-has-dhs-harnessed-it-secure (last viewed Sept. 2, 2015).

[172] United States House of Representatives, The House Committee on

MAJORITY (Republican)	MINORITY (Democratic)
Scott Perry, Pennsylvania, Chairman Jeff Duncan, South Carolina Curtis Clawson, Florida Earl L. "Buddy" Carter, Georgia Barry Loudermilk, Georgia Michael McCaul, Texas, Ex Officio	Bonnie Watson Coleman, New Jersey, Ranking Member Cedric L. Richmond, Louisiana Norma J. Torres, California Bennie Thompson, Massachusetts, Ex Officio

Key Staff

Majority Staff Director ..... Ryan Consaul
Maj. Sr. Professional Staff.....Luke Burke
Majority Professional Staff..... Diana Bergwin
Majority Staff Other.....Emily Gunn
Minority Professional Staff.....Deborah Mack

XVII. House Judiciary Committee

The Committee on the Judiciary was created on June 3, 1813 as a standing committee "to consider legislation relating to judicial proceedings."[173] Since then, the scope of the Committee's jurisdiction has encompassed

---

Homeland Security, Subcommittees: Subcommittee on Oversight and Management Efficiency, *available at* http://homeland.house.gov/subcommittee-OME (last viewed Sept. 2, 2015).

[173] United States House of Representatives, The House Judiciary Committee, About the Committee, *available at* *http://judiciary.house.gov/index.cfm/about-the-committee* (last viewed Sept. 2, 2015).

a wide range of subjects – "Particularly important in our time is the Committee's oversight responsibility for the Departments of Justice and Homeland Security."[174] Committee membership has customarily consisted of those having a background in the law, given the legal focus of the committee's work. Because of rapid scientific progress and technological change, "an expanding list of issues, including intellectual property, cloning, and the internet, require committee members to possess a wide breadth of knowledge in order to effectively address concerns from these and other new areas."[175] Membership of the House Judiciary Committee for the 114th Congress follows:[176]

MAJORITY (Republican)	MINORITY (Democratic)
Bob Goodlatte, Virginia, Chairman	John Conyers, Michigan, Ranking Member
Jim Sensenbrenner, Wisconsin	Jerry Nadler, New York
Lamar Smith, Texas	Zoe Lofgren, California
Steve Chabot, Ohio	Shelia Jackson Lee, Texas
Darrell Issa, California	Steve Cohen, Tennessee
Randy Forbes, Virginia	Hank Johnson, Georgia
Steve King, Iowa	Pedro Pierluisi, Puerto Rico
Trent Franks, Arizona	Judy Chu, California
Louie Gohmert, Texas	Ted Deutch, Florida
Jim Jordan, Ohio	Luis Gutierrez, Illinois
Ted Poe, Texas	

[174] *Id*.
[175] *Id*.
[176] United States House of Representatives, The House Judiciary Committee, Committee Membership, *available at* http://judiciary.house.gov/index.cfm/committee-members (last viewed Sept. 2, 2015).

Jason Chaffetz, Utah	Karen Bass, California
Tom Marino, Pennsylvania	Cedric Richmond,
Trey Gowdy,	Louisiana
South Carolina	Suzan DelBene,
Raul Labrador, Idaho	Washington
Blake Farenthold, Texas	Hakeem Jeffries,
Doug Collins, Georgia	New York
Ron DeSantis, Florida	David Cicilline, Rhode
Mimi Walters, California	Island
Ken Buck, Colorado	Scott Peters, California
John Ratcliffe, Texas	
Dave Trott, Michigan	
Mike Bishop, Michigan	

Key Staff:
Majority and Non-Designated:
Chief of Staff and General Counsel ..... Shelley Husband
Deputy Chief of Staff and Chief Counsel..... Branden Ritchie
General Counsel and Parliamentarian..... Allison Halataei
Senior Counsel..... Jason Cervenak
Counsel ..... Stephanie Gadbois
Professional Staff.....John Manning
Communications Director.....Kathryn Rexrode
Deputy Communications Director.....Jessica Collins
Public Affairs .....Bryan Alphin
Other Staff.....Doug Alexander,
Patrick Baugh,
Allen Jamerson,
Tim Pearson,
Joe Russo,
Tom Ullrich,

Banyon Vassar,
Kelsey Deterding Williams

Minority Staff:
Staff Director and Chief Counsel..... Perry Apelbaum
Chief Legislative Counsel and
Parliamentarian..... Danielle Brown
Chief Counsel, Int'l Property..... Jason Everett
Chief Oversight Counsel..... Aaron Hiller
Senior Counsel..... Susan Jensen,
Keenan Keller
Counsel ..... Slade Bond,
Lillian German,
Joe Graupensperger,
David Greengrass,
Norberto Salinas,
Maunica Sthanki
Professional Staff..... Veronica Eligan
Rosalind Jackson,
Maggie Lopatin
Other Staff.....Kurt May,
Dwight Sullivan
Communications Director.....Stephanie Baez

A. SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY AND THE INTERNET

Membership on the House Committee on the Judiciary's Subcommittee on Courts, Intellectual Property and the Internet is as follows:

MAJORITY (Republican)	MINORITY (Democratic)
Darrell Issa, California, Chairman Doug Collins, Georgia, Vice Chairman Jim Sensenbrenner, Wisconsin Lamar Smith, Texas Steve Chabot, Ohio Randy Forbes, Virginia Trent Franks, Arizona Jim Jordan, Ohio Ted Poe, Texas Jason Chaffetz, Utah Tom Marino, Pennsylvania Blake Farenthold, Texas Ron DeSantis, Florida Mimi Walters, California Bob Goodlatte, Virginia, Ex Officio	Jerry Nadler, New York, Ranking Member Judy Chu, California Ted Deutch, Florida Karen Bass, California Cedric Richmond, Louisiana Suzan DelBene, Washington Hakeem Jeffries, New York David Cicilline, Rhode Island Scott Peters, California Zoe Lofgren, California Steve Cohen, Tennessee Hank Johnson, Georgia John Conyers, Michigan, Ex Officio

Key Staff:

Majority Chief Counsel..... Joe Keeley
Senior Counsel..... Vishal Amin
Counsel ..... David Whitney

Minority Chief Counsel..... Jason Everett
Counsel .....Norberto Salinas

B. SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY, AND INVESTIGATIONS

Membership on the House Committee on the Judiciary's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations consists of:

MAJORITY (Republican)	MINORITY (Democratic)
Jim Sensenbrenner, Wisconsin, Chairman Louie Gohmert, Texas Steve Chabot, Ohio Randy Forbes, Virginia Ted Poe, Texas Jason Chaffetz, Utah Trey Gowdy, South Carolina Raul Labrador, Idaho Ken Buck, Colorado Mike Bishop, Michigan Bob Goodlatte, Virginia, Ex Officio	Shelia Jackson Lee, Texas, Ranking Member Pedro Pierluisi, Puerto Rico Judy Chu, California Luis Gutierrez, Illinois Karen Bass, California Cedric Richmond, Louisiana John Conyers, Michigan, Ex Officio

<u>*Key Staff*</u>*:*
Majority Chief Counsel.....Caroline Lynch
Counsel .....Sarah Allen,
.....Robert Parmiter
Clerk..... Alicia Church

Minority Chief Counsel.....Joe Graupensperger
Other .....Vanessa Chen,
Kurt May

XVIII. Committee on Oversight & Government Reform

During the 114th Congress this committee will be under the chairmanship of Rep. Jason Chaffetz (R-Utah). Of the Committee's six subcommittees, three have jurisdiction over issues impacted by cybersecurity (in alphabetical order): the Subcommittee on Governmental Operations; Information Technology; and National Security.[177] Some outside the government have characterized Rep. Chaffetz as "very tech-savvy and tech-friendly. We expect the committee will conduct oversight on government IT infrastructure and procurement and cyber-security. A key indication of this is the announcement that the committee is creating a new subcommittee to deal with these specific issues."[178] Membership of the House Committee on Oversight and Government Reform for the 114th Congress follows:[179]

---

[177] Press Release, Chairman-elect Chaffetz Announces New Oversight Subcommittees and Chairs (Dec. 17, 2014), *available at* http://chaffetz.house.gov/press-release/chairman-elect-chaffetz-announces-new-oversight-subcommittees-and-chairs (last viewed Sept. 2, 2015).

[178] Robert Kelner, Lanny Breuer, Dan Bryant, Ethan Posner, Brian Smith & Richard Hertling, Congressional Investigations Outlook in the 114th Congress, Covington & Burling, (Dec. 18, 2014), *available at* *http://www.cov.com/files/Publication/c04b2ca8-a5fe-4381-a021-458f848d5ab0/Presentation/PublicationAttachment/debf792e-33a3-417c-bf0c-46ab451cde65/Congressional_Investigations_Outlook_in_the_114th_Congress.pdf* (last viewed Sept. 2, 2015).

[179] United States House of Representatives, Committee on Oversight and Government Reform, *available at* *https://oversight.house.gov/* (last viewed Sept. 2, 2015).

MAJORITY (Republican)	MINORITY (Democratic)
Jason Chaffetz, Utah, Chairman	Elijah Cummings, Maryland, Ranking Member
John Mica, Florida	Carolyn Maloney, New York
Michael Turner, Ohio	Eleanor Holmes Norton, District of Columbia
John Duncan, Tennessee	William Lacy Clay, Missouri
Jim Jordan, Ohio	Stephen Lynch, Massachusetts
Tim Walberg, Michigan	Jim Cooper, Tennessee
Justin Amash, Michigan	Gerald E. Connolly, Virginia
Paul Gosar, Arizona	Matt Cartwright, Pennsylvania
Scott Desjarlais, Tennessee	Tammy Duckworth, Illinois
Trey Gowdy, South Carolina	Robin Kelly, Illinois
Blake Farenthold, Texas	Brenda Lawrence, Michigan
Cynthia Lummis, Wyoming	Ted Lieu, California
Thomas Massie, Kentucky	Bonnie Watson, New Jersey
Mark Meadows, North Carolina	Stacey E. Plaskett, Virgin Islands
Ron DeSantis, Florida	Mark DeSaulnier, California
Mick Mulvaney, South Carolina	Brendan F. Boyle, Pennsylvania
Ken Buck, Colorado	Peter Welch, Vermont
Mark Walker, North Carolina	Michelle Lujan Grisham, New Mexico
Rod Blum, Iowa	
Jody Hice, Georgia	
Steve Russell, Oklahoma	
Buddy Carter, Georgia	
Glenn Grothman, Wisconsin	
William Hurd, Texas	
Gary J. Palmer, Alabama	

Key Staff:

Majority and Non-Designated:
Majority Staff Director ..... Sean McLaughlin

Executive Asst. to Majority Staff Director.....Olivia Lee
Deputy Staff Director..... Rachel Weaver
Majority General Counsel ..... Andy Dockham
Deputy General Counsel..... Steve Castor
Director, Oversight & Investigations.....Machalagh Carr
Deputy Director, Oversight & Investigations..... Henry Kerner
Counsel ..... Jennifer Barblan,
Mike Howell,
Cordell Hull,
Tristan Leavitt
Senior Military Professional Staff..... Ryan Hambleton,
Tyler Grimm,
Ari Wisch

Minority Staff:
Minority Staff Director ..... David Rapallo
Chief Investigative Counsel .....Meghan Berroya
Policy Director..... Lucinda Lessley
Policy Advisor..... Jimmy Fremgen
Counsel ..... Portia Bamiduro,
Beverly Britton-Fraser,
Lena Chang,
Courtney French,
Tim Lynch,
Brian Quinn,
Valerie Shen,

Cecelia Thomas
Director of Legislation..... Mark Stephenson
Deputy Director of Legislation..... Krista Boyd
Professional Staff..... Kevin McDermott
Other Staff..... Kathleen Teleky,
Michael Wilkins

A. SUBCOMMITTEE ON GOVERNMENT OPERATIONS

Chaired during the 114th Congress by Rep. Mark Meadows (R-N.C.), the Subcommittee on Government Operations has primary jurisdiction over federal property, data standards, and federal information technology and "oversees the efficiency and management of government operations and activities, working to ensure public access to information through its oversight of the Freedom of Information Act, the Federal Advisory Committee Act, the Presidential Records Act, and the National Archives and Records Admin-istration.[180] Membership of the House Committee on Oversight and Government Reform's Subcomm-ittee on Government Operations follow:[181]

MAJORITY (Republican)	MINORITY (Democratic)
Mark Meadows, North Carolina, Chairman Jim Jordan, Ohio Tim Walberg, Michigan	Gerald E. Connolly, Virginia, Ranking Member Carolyn Maloney, New York

[180] U.S. House of Representatives, Committee on Oversight & Governmental Reform, Subcommittee on Government Operations, *available at* http://oversight.house.gov/subcommittee/subcommittee-on-government-operations/ (last viewed Sept. 2, 2015).
[181] *Id*.

Trey Gowdy, South Carolina Thomas Massie, Kentucky Mick Mulvaney, South Carolina Ken Buck, Colorado Buddy Carter, Georgia Glenn Grothman, Wisconsin Jason Chaffetz, Utah, Ex Officio	Eleanor Holmes Norton, District of Columbia William Lacy Clay, Missouri Stacey E. Plaskett, Virgin Islands Stephen Lynch, Massachusetts Elijah Cummings, Maryland, Ex Officio

Key Staff:

Majority Staff Director ..... Jennifer Hemingway
Deputy Majority Staff Director ..... Jeff Post
Senior Counsel ..... Julie Dunne
Counsel ..... Howard Denis, Katy Rother
Professional Staff ..... Alexa Armstrong, Christopher D'Angelo

Minority Staff Counsel ..... Lena Chang

B. SUBCOMMITTEE ON INFORMATION TECHNOLOGY

Rep. Will Hurd (R-Texas) will serve as chair of the Subcommittee on Information Technology during the 114th Congress. The Information Technology Subcommittee "will focus on federal IT procurement… cybersecurity, IT infrastructure, emerging technologies, and intellectual

property, among other issues."[182] Membership of the House Committee on Oversight and Government Reform's Subcommittee on Information Technology follow:[183]

MAJORITY (Republican)	MINORITY (Democratic)
William Hurd, Texas, Chairman Blake Farenthold, Texas Mark Walker, North Carolina Rod Blum, Iowa Paul Gosar, Arizona Jason Chaffetz, Utah, Ex Officio	Robin Kelly, Illinois, Ranking Member Gerald E. Connolly, Virginia Tammy Duckworth, Illinois Ted Lieu, California Elijah Cummings, Maryland, Ex Officio

Key Staff:

Majority Staff Director ..... Troy Stock
Majority Counsel ..... Mike Flynn

Minority Counsel ..... Brian Quinn

C. SUBCOMMITTEE ON NATIONAL SECURITY

Rep. Ron De Santis (R-Florida) will serve as chair of the Subcommittee on National Security during the 114th Congress. This Subcommittee "is primarily responsible for overseeing the Departments of State, Defense and Homeland Security, and the United States Agency for

---

[182] Chaffetz Press Release, *supra* note 177.

[183] U.S. House of Representatives, Committee on Oversight & Governmental Reform, Subcommittee on Information Technology, *available at* https://oversight.house.gov/subcommittee/information-technology/ (last viewed Sept. 2, 2015).

International Development (USAID)."[184] During the 114th Congress, the Subcommittee will also focus on areas related to the "VA, DOJ, and the intelligence community."[185] To discharge these duties, the Subcommittee "holds hearings and conducts investigations of policies, personnel and procedures within these executive entities… [and] has legislative jurisdiction over drug policy, and oversees the policies of the Office of National Drug Control Policy (ONDCP)."[186] Membership of the House Committee on Oversight and Government Reform's Subcommittee on National Security consists of:[187]

MAJORITY (Republican)	MINORITY (Democratic)
Ron DeSantis, Florida, Chairman	Stephen Lynch, Massachusetts, Ranking Member
John Mica, Florida	Ted Lieu, California
John Duncan, Tennessee	Robin Kelly, Illinois
Jody Hice, Georgia	Brenda Lawrence, Michigan
Steve Russell, Oklahoma	Elijah Cummings, Maryland,
William Hurd, Texas	

[184] U.S. House of Representatives, Committee on Oversight & Governmental Reform, Subcommittee on National Security, *available at* http://oversight.house.gov/subcommittee/subcommittee-on-national-security/ (last viewed Sept. 2, 2015).

[185] Press Release, Chairman-elect Chaffetz Announces New Oversight Subcommittees and Chairs (Dec. 17, 2014), *available at* http://chaffetz.house.gov/press-release/chairman-elect-chaffetz-announces-new-oversight-subcommittees-and-chairs. (last viewed Sept. 2, 2015).

[186] U.S. House of Representatives, Committee on Oversight & Governmental Reform, Subcommittee on National Security, *available at* http://oversight.house.gov/subcommittee/subcommittee-on-national-security/ (last viewed Sept. 2, 2015).

[187] *Id*.

Jason Chaffetz, Utah, Ex Officio	Ex Officio

Key Staff:

Majority Staff Director ..... Art Arthur
Professional Staff ..... Sang H. Yi
Minority Staff Counsel ..... Valerie Shen

XIX. House Permanent Select Committee on Intelligence

The U.S. House Permanent Select Committee on Intelligence (HPSCI) "is charged with the oversight of the United States Intelligence Community, which includes the intelligence and intelligence related activities of 17 elements of the U.S. Government, and the Military Intelligence Programs."[188] The HPSCI has four subcommittees for the 114th Congress: the CIA Subcommittee; Department of Defense Intelligence and Overhead Architecture Subcommittee; Emerging Threats Subcommittee; and NSA and Cybersecurity Subcommittee.[189] During early 2015, favorably reported the *Protecting Cyber Networks Act* (H.R. 1560) to the full House of Representatives.[190] Membership of the House

[188] U.S. House of Representatives, The Permanent Select Committee on Intelligence, History and Jurisdiction, *available at* http://intelligence.house.gov/about/history-jurisdiction (last viewed Sept. 2, 2015).

[189] U.S. House of Representatives, The Permanent Select Committee on Intelligence, Subcommittees, *available at* http://intelligence.house.gov/subcommittees (last viewed Sept. 2, 2015).

[190] Press Release, U.S. House of Representatives, The Permanent Select Committee on Intelligence, HPSCI Passes Cyber Bill Out of

Permanent Select Committee on Intelligence for the 114th Congress is as follows:

MAJORITY (Republican)	MINORITY (Democratic)
Devin Nunes, California, Chairman	Adam Schiff, California, Ranking Member
Jeff Miller, Florida,	Luis Gutierrez, Illinois
Mike Conaway, Texas	Jim Himes, Connecticut
Peter King, New York	Terri Sewell, Alabama
Frank LoBiondo, New Jersey	Andre Carson, Indiana
Lynn Westmoreland, Georgia	Jackie Speier, California
Tom Rooney, Florida	Mike Quigley, Illinois
Joe Heck, Nevada	Eric Swalwell, California
Mike Pompeo, Kansas	Patrick Murphy, Florida
Ileana Ros-Lehtinen, Florida	
Michael Turner, Ohio	
Brad Wenstrup, Ohio	
Chris Stewart, Utah	

Key Staff:

Majority Staff Director ..... Jeff Shockey
Majority Deputy Staff Director ..... Jennifer Miller
Majority Senior. Counsel & Policy Director ..... Michael Ellis
Majority Senior Counsel ..... Andrew Peterson
Majority Senior Advisor ..... Damon Nelson
Professional Staff ..... Chelsey Campbell, Geoffrey Kahn,

Committee, 114th Cong., *available at* http://intelligence.house.gov/press-release/hpsci-passes-cyber-bill-out-committee (last viewed Sept. 2, 2015).

Lisa Major,
Diane Rinaldo
Majority Communications Direstor..... Jack Langer
Security Director.....Kristin Jepson
Executive Assistant.....Rachel Wilson
Sandia National Lab Fellow.....Randy Smith

Minority Staff Director ..... Michael Bahar
Deputy Minority Staff Director..... Tim Bergreen
Minority Senior Advisor..... Robert Minehart
Professional Staff.....Linda Cohen,
Allison Getty,
Carly Scott,
Amanda Thorpe,
Rheanne Wirkkala
Communications Director.....Patrick Boland

A. CIA SUBCOMMITTEE

Membership of the HPSCI CIA Subcommittee:[191]

MAJORITY (Republican)	MINORITY (Democratic)
Frank LoBiondo,	Eric Swalwell, California,
New Jersey, Chairman	Ranking Membr
Mike Conaway, Texas	Luis Gutierrez, Illinois
Peter King, New York	Jim Himes, Connecticut
Lynn Westmoreland,	Andre Carson, Indiana

[191] U.S. House of Representatives, The Permanent Select Committee on Intelligence, CIA Subcommittee, *available at* http://intelligence.house.gov/subcommittee-3 (last viewed Sept. 2, 2015).

Georgia Tom Rooney, Florida Mike Pompeo, Kansas Devin Nunes, California, Ex Officio	Adam Schiff, California, Ex Officio

Key Staff:
Majority Staff..... Jack Langer (Nunes)
Minority Staff..... Patrick Boland (Schiff)

B. DEPARTMENT OF DEFENSE INTELLIGENCE AND OVERHEAD ARCHITECTURE SUBCOMMITTEE

Membership of the HPSCI Department of Defense Intelligence and Overhead Architecture Subcommittee consists of:[192]

MAJORITY (Republican)	MINORITY (Democratic)
Joe Heck, Nevada, Chairman Jeff Miller, Florida, Ileana Ros-Lehtinen, Florida Michael Turner, Ohio Brad Wenstrup, Ohio Chris Stewart, Utah Devin Nunes, California, Ex Officio	Terri Sewell, Alabama, Ranking Member Luis Gutierrez, Illinois Eric Swalwell, California Patrick Murphy, Florida Adam Schiff, California, Ex Officio

[192] U.S. House of Representatives, The Permanent Select Committee on Intelligence, Department of Defense Intelligence and Overhead Architecture Subcommittee, *available at* http://intelligence.house.gov/subcommittee-page (last viewed Sept. 2, 2015).

Key Staff:
Majority Staff..... Jack Langer (Nunes)
Minority Staff..... Patrick Boland (Schiff)

C. EMERGING THREATS SUBCOMMIT-TEE

Membership of the HPSCI Emerging Threats Subcommittee is as follows:[193]

MAJORITY (Republican)	MINORITY (Democratic)
Tom Rooney, Florida, Chairman Frank LoBiondo, New Jersey Joe Heck, Nevada Michael Turner, Ohio Brad Wenstrup, Ohio Chris Stewart, Utah Devin Nunes, California, Ex Officio	Mike Quigley, Illinois, Ranking Member Terri Sewell, Alabama Andre Carson, Indiana Jackie Speier, California Adam Schiff, California, Ex Officio

Key Staff:
Majority Staff..... Jack Langer (Nunes)
Minority Staff..... Patrick Boland (Schiff)

D. NSA AND CYBERSECURITY SUBCOMMITTEE

[193] U.S. House of Representatives, The Permanent Select Committee on Intelligence, Emerging Threats Subcommittee, *available at* http://intelligence.house.gov/subcommittee-2 (last viewed Sept. 2, 2015).

Membership of the HPSCI NSA and Cybersecurity Subcommittee consists of:[194]

MAJORITY (Republican)	MINORITY (Democratic)
Lynn Westmoreland, Georgia, Chairman Jeff Miller, Florida, Mike Conaway, Texas Peter King, New York Mike Pompeo, Kansas Ileana Ros-Lehtinen, Florida Devin Nunes, California, Ex Officio	Jim Himes, Connecticut, Ranking Member Jackie Speier, California Mike Quigley, Illinois Patrick Murphy, Florida Adam Schiff, California, Ex Officio

Key Staff:

Majority Staff..... Jack Langer (Nunes)
Minority Staff..... Patrick Boland (Schiff)

XX. House Committee on Science, Space, and Technology

With respect to cybersecurity, jurisdiction of the House Committee on Science, Space, and Technology covers "all energy research[;]… all federally owned or operated non-military energy laboratories; National Institute of Standards and Technology; National Science Foundation… science scholarships; scientific research, develop-ment, and demonstration, and projects therefor;

[194] U.S. House of Representatives, The Permanent Select Committee on Intelligence, NSA and Cybersecurity Subcommittee, *available at* http://intelligence.house.gov/subcommittee-1 (last viewed Sept. 2, 2015).

shall review and study on a continuing basis laws, programs, and Government activities relating to non-military research and development."[195] While the Committee has five subcommittees, primary focus here will be on: the Subcommittee on Oversight; and Subcommittee on Research and Technology. Membership of the House Committee on Science, Space, and Technology for the 114th Congress consists of:[196]

MAJORITY (Republican)	MINORITY (Democratic)
Lamar Smith, Texas, Chairman	Eddie Bernice Johnson, Texas, Ranking Member
F. James Sensenbrenner, Wisconsin,	Zoe Lofgren, California
Chair Emeritus	Daniel Lipinski, Illinois
Dana Rohrabacher, California	Donna Edwards, Maryland
	Suzanne Bonamici, Oregon
Frank D. Lucas, Oklahoma, Vice Chair	Eric Swalwell, California
	Alan Grayson, Florida
Randy Neugebauer, Texas	Ami Bera, California
Michael T. McCaul, Texas	Elizabeth Esty, Connecticut
Mo Brooks, Alabama	Marc Veasey, Texas
Randy Hultgren, Illinois	Katherine Clark, Massachusetts
Bill Posey, Florida	Don Beyer, Virginia
Thomas Massie, Kentucky	Ed Perlmutter, Colorado
Jim Bridenstine, Oklahoma	Paul Tonko, New York
Randy Weber, Texas	

[195] U.S. House of Representatives: Committee on Science, Space, and Technology, Jurisdiction, *available at* http://science.house.gov/jurisdiction (last viewed Sept. 2, 2015).

[196] U.S. House of Representatives: Committee on Science, Space, and Technology, Committee Members 114th Congress, *available at* http://science.house.gov/about/membership (last viewed Sept. 2, 2015).

Bill Johnson, Ohio John Moolenaar, Michigan Steve Knight, California Brian Babin, Texas Bruce Westerman, Arkansas Barbara Comstock, Virginia Dan Newhouse, Washington Gary Palmer, Alabama Barry Loudermilk, Georgia Ralph Lee Abrahams, Louisiana	Mark Takano, California Bill Foster, Illinois

Key Staff:
Majority and Non-Designated:
Majority Chief of Staff ..... Jennifer Brown
Policy Director, Coalitions Director ..... Chris Shank
Policy Assistant ..... Brian Corcoran
Legislative Director ..... Christopher Wydler
General Counsel & Parliamentarian ..... Molly Boyl
Communications Director ..... Zachary Kurz
Press Secretary ..... Laura Crist
Speechwriter & Legal Assistant ..... James Danford
Executive Assistant ..... Thea McDonald
Minority Staff:
Minority Staff Director ..... Richard Obermann
Chief Counsel ..... John Piazza
Deputy Chief Counsel ..... Russell Norman
Admin. & Communications ..... Kristin Kopshever
Press Secretary & Policy ..... Joe Flarida

A. SUBCOMMITTEE ON OVERSIGHT

The House Committee on Science, Space, and Technology's Subcommittee on Oversight is granted

"general and special investigative authority on all matters within the jurisdiction of the Committee on Science, Space and Technology."[197] Membership of the House Committee on Science, Space, and Technology Committee's Subcommittee on Oversight is as follows:[198]

MAJORITY (Republican)	MINORITY (Democratic)
Barry Loudermilk, Georgia, Chairman Bill Johnson, Ohio, Vice Chairman F. James Sensenbrenner, Wisconsin Bill Posey, Florida Thomas Massie, Kentucky Jim Bridenstine, Oklahoma Lamar Smith, Texas, Ex Officio	Don Beyer, Virginia, Ranking Member Alan Grayson, Florida Zoe Lofgren, California Eddie Bernice Johnson, Texas, Ex Officio

Key Staff:

Majority Staff Director ..... Tim Doyle
Policy Assistant.....Brian Corcoran
Counsel ..... Lamar Echols
Professional Staff.....Drew Colliatie

Minority Staff Director ..... Pearson
Chief Investigator..... Doug Pasternak

---

[197] U.S. House of Representatives: Committee on Science, Space, and Technology, Jurisdiction, Subcommittee on Oversight, *available at* http://science.house.gov/jurisdiction (last viewed Sept. 2, 2015).

[198] U.S. House of Representatives: Committee on Science, Space, and Technology, Subcommittee on Oversight, *available at* http://science.house.gov/subcommittee-investigations-and-oversight (last viewed Sept. 2, 2015).

B. SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY

Jurisdiction, investigative authority and general oversight of the Subcommittee on Research and Technology includes

> [L]egislative jurisdiction and general oversight and investigative authority on all matters relating to science policy and science education; the Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources); all matters relating to science, technol-ogy, engineering and mathematics education; intergovernmental mech-anisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation, university research policy, including infra-structure and overhead; university research partnerships, including those with industry; science scholarships; computing, communications, net-working, and information tech-nology; research and development relating to health, biomedical, and nutritional programs; research, de-velopment, and demonstration relat-ing to nano-science, nano-engineering, and nano-technology; agricultural, geological, biological and life sciences research; materials research, development,

demonstrat-ion, and policy; all matters relating to competitiveness, technology, stan-dards, and innovation; standard-ization of weights and measures, including technical standards, stan-dardization, and conformity assess-ment; measurement, including the metric system of measurement; the Technology Administration of the Department of Commerce; the National Institute of Standards and Technology; the National Technical Information Service; competitive-ness, including small business competitiveness; tax, antitrust, regulatory and other legal and governmental policies related to technological development and com-mercialization; technology transfer, including civilian use of defense technologies; patent and intellectual property policy; international techn-ology trade; research, development, and demonstration activities of the Department of Transportation; surface and water transportation research, development, and demon-stration programs; earthquake pro-grams and fire research programs, including those related to wildfire proliferation research and pre-vention; biotechnology policy; re-search, development, demonstration, and standards-related activities of the Department of Homeland Security; Small Business Innovation Research and Technology Transfer; voting technologies and standards; other appropriate matters as referred by the

Chairman; and relevant over-sight."[199]

Membership of the House Committee on Science, Space, and Technology Committee's Subcommittee on Research and Technology is as follows:[200]

MAJORITY (Republican)	MINORITY (Democratic)
Barbara Comstock, Virginia, Chair John Moolenaar, Michigan Frank D. Lucas, Oklahoma Michael T. McCaul, Texas Randy Hultgren, Illinois Bruce Westerman, Arkansas Dan Newhouse, Washington Gary Palmer, Alabama Ralph Lee Abraham, Louisiana Lamar Smith, Texas, Ex Officio	Daniel Lipinski, Illinois, Ranking Member Elizabeth Esty, Connecticut Katherine Clark, Massachusetts Paul Tonko, New York Suzanne Bonamici, Oregon Eric Swalwell, California Eddie Bernice Johnson**,** Texas, Ex Officio

Key Staff:

Majority Staff Director ..... Cliff Shannon
Deputy Majority Staff Director..... Raj Bharwani
Policy Assistant.....Christian Rice
Professional Staff..... Sarah Grady,
.....Jennifer Wickre

---

[199] U.S. House of Representatives: Committee on Science, Space, and Technology, Subcommittee on Research and Technology, *available at* http://science.house.gov/subcommittee-research-and-science-education (last viewed Sept. 2, 2015).

[200] *Id*.

Minority Staff Director .....Dahlia Sokolov
Professional Staff.....Brystol English,
.....Kim Montgomery

XXI. Role of Leadership

A comprehensive discussion of the leadership mechanisms and power structure of the House and Senate is beyond the scope of this paper. However, a brief overview is presented.[201] Frank Cummings writes, "In theory, the only 'laws' governing the Congress are the Constitution, Statutes such as the Legislative Reorganization Act, and the rules of each chamber. But in practice, voting blocks have been developed, with varying degrees of formality and voting discipline."[202] Historically, the party caucuses have been perhaps the strongest of these blocks, and the party holding majority membership in each body exerts the most power. Cummings observes that "the caucus system tends to block cross-party coalitions which might constitute an absolute majority of the House *but for* the exercise of voting discipline by the caucus… this sort of discipline… seems to work almost absolutely on the election of committee chairmen."[203]

---

[201] *See generally* Judy Schneider, *House Standing Committee Chairs and Ranking Minority Members: Rules Governing Selection Procedures,* Library of Congress, Congressional Research Service (March 20, 2015); Rules of the House Republican Conference for the 114th Congress, [Comparative Print Showing the Changes from the Rules of the House Republican Conference for the 113th Congress], *available at* http://www.gop.gov/app/uploads/2014/11/114-Conference-Rules-113-Comp-Print1.pdf (last viewed Sept. 2, 2015).
[202] FRANK CUMMINGS, CAPITOL HILL MANUAL 79 (2nd ed. 1984).
[203] *Id*. at 80.

A. THE HOUSE

Leadership positions in the House provide a schematic for how the House organizes itself and conducts its business. The top leadership positions of each party are described below. In terms of influence and potential ability to move legislation through Congress, the majority party will generally have the most influence. Below the top party leadership, committee chairmen, subcommittee chairmen and ranking minority members of both full committees and subcommittees provide and constitute leadership. As of this writing, the Republican Party is the majority party in both the House and Senate.

B. HOUSE MAJORITY (CURRENTLY REPUBLICAN) LEADERSHIP

Majority elected leadership positions in the House of Representatives consists of:[204] the Speaker of the House; House Majority Leader; House Majority Whip; Chair of the House Republican Conference; Chair of the National Republican Congressional Committee; Chair of the House Republican Policy Committee;[205] Vice-Chair, and Secretary of the Republican Conference. Designated Republican Leaders include: the Chair of the House Committees on Rules; Ways and Means; Appropriations; Budget; Energy

---

[204] Rule 2- Republican Leadership (a)(1)-(8), Rules of the House Republican Conference for the 114th Congress, [Comparative Print Showing the Changes from the Rules of the House Republican Conference for the 113th Congress], *available at* http://www.gop.gov/app/uploads/2014/11/114-Conference-Rules-113-Comp-Print1.pdf (last viewed July 30, 2015).

[205] Republican Policy Committee, *available at* http://policy.house.gov/membership. (last viewed Sept. 2, 2015).

and Commerce; the Chief Deputy Whip; and, one member each from the sophomore and freshman class, elected by members of their respective classes.[206] The House Republican Steering Committee is a subdivision of the House Republican Conference. Under post 1994 rules, the House party leader receives five votes on the committee.[207]

Speaker of the House
Speaker of the House of Representatives John Boehner
Key Staff:
Chief of Staff ..... Mike Sommers
Special Assistant ..... Thomas Andrews
Director of Communications ..... Kevin Smith
Deputy Director of Communications ..... Mike Ricci
Assistant Communications Director ..... Katie Boyd
Press Secretary ..... Cory Fritz
Assistant Press Secretary ..... Heather Reed
Communications Advisor ..... Matt Wolking
Director of Public Liaison ..... Maria Lohmeyer
Policy Director ..... Dave Stewart
General Counsel/ Legislation ..... Jo-Marie St. Martin
Assistant General Counsel ..... Greg Robinson
Assistant for Policy ..... Maryam Brown,

---

[206] Rule 2- Republican Leadership (b)(1)-(8), Rules of the House Republican Conference for the 114th Congress, [Comparative Print Showing the Changes from the Rules of the House Republican Conference for the 113th Congress], *available at* http://www.gop.gov/app/uploads/2014/11/114-Conference-Rules-113-Comp-Print1.pdf (last viewed Sept. 2, 2015).

[207] *See* House Republican Steering Committee, 114th Cong., list, *available at* http://content.govdelivery.com/attachments/USHRC/2014/11/14/file_attachments/341150/114th%2BSteering%2BCommittee%2B114th%2BRoster.pdf (last viewed Sept. 2, 2015).

Natasha Hammond,
Becky Tallent,
Policy Advisor.....Cindy Herrie,
Jennifer Stewart
Research Assistant.....Justin Lampert

House Majority Leader
House Majority Leader.....Kevin McCarthy

Key Staff:
Chief of Staff.....Tim Berry
Deputy Chief of Staff..... James Min
Deputy Chief of Staff (Policy)..... Elizabeth Karr
Director of Communications.....Mike Long
Press Secretary..... Matt Sparks
Speechwriter.....Alec Torres
Director of External Affairs.....Danielle Burr
Executive Assistant..... Kristin Stipicevic
Director of Legislative Operations.....Kelly Dixon
Director of Oversight..... Rob Borden
Senior policy Advisor..... Jeff Dressler,
Roger Mahan,
Wes McClelland,
Other..... Chris Bien,
Alexandra Gourdikian,
Lawson Kluttz

House Majority Whip
House Majority Whip..... Stephen Scalise
Chief Deputy Majority Whip.....Patrick McHenry

Key Staff:
Chief of Staff.....Lynnel Ruckert
Assistant to the Chief of Staff..... Christopher Bond
Deputy Communications Director..... Thomas Tatum

Policy Director..... William Hughes
Policy Advisor..... Daniel Sadlosky
Legislative Counsel..... Martin Reiser
Dir. of Member Services/Policy.....Eric Zulkosky
Other..... Connor Brace, Brenden DeLuke
Chief of Staff (Deputy McHenry).....Parker Poling
Special Assistant.....Tanner Black

House Republican Conference
Chairwoman..... Cathy McMorris Rodgers
Vice Chair.....Lynn Jenkins
Secretary.....Virginia Foxx

Key Staff:
Chief of Staff.....Jeremy Deutsch
Deputy Chief of Staff.....Nathan Hodson
Policy Director..... Evan McMullin
Policy Coordinator.....David Smentek
Senior Advisors.....Nicolas Magallanes, Rebecca Mark
Communications Director..... Riva Litman
Deputy Communications Director.....Pam Stevens

House Republican Policy Committee
Chairman.....Allen Lucas Messer

House Leadership
Speaker..... John Boehner
Majority Leader.....Kevin McCarthy
Majority Whip..... Steve Scalise
Conference Chair..... Cathy McMorris Rodgers
NRCC Chair.....Greg Walden
Conference Vice Chair.....Lynn Jenkins

Conference Secretary ..... Virginia Foxx
Chief Deputy Whip ..... Patrick McHenry

Committee Chairs

Pete Sessions, Chair, Rules
Paul Ryan, Chair, Ways and Means
Hal Rogers, Chair, Appropriations
Tom Price, Chair, Budget
Fred Upton, Chair, Energy and Commerce

Class Leadership

Ann Wagner,
Sophomore Class leadership representative
Mimi Walters,
Freshman Class leadership representative

Regional Representatives

Cresent Hardy, Region 1
TBD, Region 2
Mike Bost, Region 3
Reid Ribble, Region 4
Keith Rothfus, Region 5
John Katko, Region 6
Rick Crawford, Region 7
Gary Palmer, Region 8
Mark Walker, Region 9
Steve Knight, Region 10
Gus Bilirakis, Region 11
Bruce Poliquin, Small State Region
Blake Farenthold, Texas Region.

Class Leadership Representatives

Elise Stefanik, Freshman class
Markwayne Mullin, Sophomore class
Brad Wenstrup, Sophomore class

Committee Appointments

Jeff Denham, Agriculture
Chris Stewart, Appropriations
Austin Scott, Armed Services
Rob Woodall, Budget
Rick Allen, Education and the Workforce
Richard Hudson, Energy and Commerce
Susan Brooks, Ethics
Andy Barr, Financial Services
Joe Wilson, Foreign Affairs
Steven Palazzo, Homeland Security
Rodney Davis, House Administration
Jim Jordan, Judiciary
Paul Gosar, Natural Resources
Mark Meadows, Oversight and Government Reform
Doug Collins, Rules
Randy Hultgren, Science, Space, and Technology
Steve King, Small Business
Don Young, Transportation and Infrastructure
Jackie Walorski, Veterans' Affairs
Tom Reed, Ways and Means

At-Large Members:

Barbara Comstock, Virginia
Renee Ellmers, North Carolina
Mike Fitzpatrick, Pennsylvania
Morgan Griffith, Virginia
Bradley Byrne, Alabama
Robert Hurt, Virginia
Adam Kinzinger, Illinois
Dan Newhouse, Washington
Randy Weber, Texas
Bruce Westerman, Arkansas

Ted Yoho, Florida

C. HOUSE REPUBLICAN STEERING COMMITTEE

Judy Schneider describes the composition of the House Republican Steering Committee as consisting of "party leaders, selected committee leaders, class leaders, and regional representatives."[208] The primary role of the House Republican Steering Committee is to nominate chairmen or ranking minority members of all standing committees. These nominations are then sent to the full Republican Conference for ratification. Schneider observes that "In recent Congresses, the Steering Committee 'interviewed' prospective candidates for ranking slots. Some of the new ranking members were the most senior members of the committee, others were not."[209] The House Republican Steering Committee for the 114th Congress is as follows:[210]

Speaker..... John Boehner (5 votes)
Majority Leader..... Kevin McCarthy (2 votes)
Majority Whip..... Steve Scalise
Chief Deputy Whip.....Patrick McHenry
Conference Chair..... Cathy McMorris Rodgers
Conference Secretary.....Virginia Foxx
Republican Policy Chairman.....Allen Lucas Messer

---

[208] *See* Judy Schneider, *House Standing Committee Chairs and Ranking Minority Members: Rules Governing Selection Procedures,* Library of Congress, Congressional Research Service 1 (March 20, 2015), *available at* https://www.fas.org/sgp/crs/misc/RS21165.pdf (last viewed Sept. 2, 2015).
[209] *Id*.
[210] *Id*.

NRCC Chair, former chair ..... Tom Cole
NRCC Chair..... Greg Walden
Appropriations Committee Chair ..... Hal Rogers
Budget Committee Chair..... Tom Price
Energy and Commerce Committee Chair..... Fred Upton
Financial Services Committee Chair.....Jeb Hensarling
Rules Committee Chair..... Pete Sessions
Ways and Means Committee Chair..... Paul Ryan
Texas Representative .....Lamar Smith
Regional Representatives.....Joe Hecht, Kevin Yoder, John Shimkus, Candice Miller, Bill Shuster, Pat Tiberi, Steve Womack, Lynn Westmoreland, Bob Goodlatte, Devin Nunes, Jeff Miller, Cynthia Lummis
Class Representatives ..... Jeff Denham, Richard Hudson

D. HOUSE MINORITY (CURRENTLY DEMOCRATIC) LEADERSHIP

Minority leadership positions in the House of Representatives consist of: the House Minority Leader; House Assistant Minority Leader; and House Minority Whip.

House Minority Leader
House Minority Leader..... Nancy Pelosi

Key Staff:
Chief of Staff ..... Nadeam Elshami
Assistant to the Chief of Staff ..... Ethan McClelland
Deputy Chief of Staff ..... Diane Dewhirst
Deputy Chief of Staff ..... George Kundanis
Policy Director ..... Dick Meltzer
National Security Policy Advisor ..... Wyndee Parker
Policy Advisors ..... Margaret Capron, Kenneth DeGraff, April Greener, Patricia Ross
Counsel ..... Bernard Raimo, Michael Tecklenburg
Senior Advisor ..... Michael Bloom, Michael Long
Communications Director ..... Drew Hammill
Deputy Communications Director ..... Evangeline George
Press Secretary ..... Jorge Antonio Aguilar
Press Advisor ..... Stephanie Cherry
Senior Press Assistant ..... Ned Adriance
Press Assistant ..... Taylor Griffin
Sr. Advisor & Digital Director ..... Kat Skiles
Director of Speechwriting ..... Henry Connelly
Deputy Director of Speechwriting ..... Malaika Robinson
Special Assistant ..... Bina Surgeon
Executive Assistants ..... Emily Berret, Emma Kaplan
Staff Assistants ..... Nicole MacDougall, Nikolas Youngsmith

House Assistant Minority Leader
House Assistant Minority Leader ..... James Clyburn
Key Staff:

Chief of Staff ..... Yelberton Watkins
Special Assistant ..... Tamika Day
Policy Director..... Ashli Palmer
Legislative Assistant..... Matthew Ellison
Communications Director..... Patrick Devlin

House Minority Whip
House Minority Whip..... Steny Hoyer
Key Staff:
Chief of Staff ..... Alexis Covey-Brandt
Policy Director..... Thomas Mahr
National Security Advisor..... Daniel Silverberg
Senior Policy Advisors..... Keith Abouchar, James Leuschen, Charlene MacDonald, Mary Frances Repko
Legislative Assistant..... Rachel Snyder
Executive Assistant..... Lindsey Cobia
Communications Director..... Katie Grant
Press Secretary ..... Mariel Saez
Press Secretary & Research ..... Tara Vales
Speechwriter ..... Adam Weissmann
Whip Director & Senior Advisor ..... Brian Romick
Online Communications & Tech..... Stephen Dwyer
Other ..... Joseph Cortina, Deborah Rowe, Ray Salazar

E. THE SENATE

Top Leadership in the Senate Consists of: the Vice President of the United States who also serves as President of the Senate; and President Pro Tempore.

President of the Senate
Vice President of the United States and President of the Senate ..... Joseph Biden, Jr.
Key Staff:
Chief of Staff ..... Steven Ricchetti
Assistant to the Vice President ..... Kathy Chung
Advisor to the Vice President ..... Michael Schrum
Staff Assistant ..... Anne Marie Person
Senior Advisor ..... Greg Schultz
Counselor ..... Don Graves
Policy Director ..... Jamie Lyons
National Security Advisor ..... Colin Kahl
Senior. Advisor to Nat'l Security Advisor ..... Alice Cosgrove
Executive Secretary & Special Advisor for National Security ..... Maj. Kristen Bakotic
Special Advisor, Europe & Russia ..... Michael Carpenter
Special Advisor, Homeland Security & Counterterrorism ..... CDR Laura Dickey
Director of Programs ..... Ward Dirksen
Special Assistant, National Security ..... Frances Castro
Counsel ..... John McGrail
Deputy Counsel ..... Alexander Mackler
Director of Research ..... Nicole Lamberson
Deputy Director of Research ..... Kevin Higham
Director of Legislative Affairs ..... Tonya Williams
Special Assistant, Legislative Affairs ..... Lorea Stallard

President Pro Tempore
President Pro Tempore ..... Orrin Hatch
Key Staff:

Chief Counsel..... William Castle
Counsel .....Ryan Leavitt
Administrative Director .....Celeste Gold

F. SENATE MAJORITY (CURRENTLY REPUBLICAN) LEADERSHIP

Majority leadership in the U.S. Senate consists of: the Senate Majority Leader; Senate Majority Whip; Secretary for the Majority; Senate Republican Conference; Senate Republican Policy Committee; and National Republican Senatorial Committee.[211]

Senate Majority Leader
Senate Majority Leader .....Addison "Mitch" McConnell
Key Staff:
Chief of Staff .....Sharon Soderstrom
Deputy Chief of Staff.....Donald Stewart
Chief Counsel..... John Abegg
Legal Counsel .....Brian Lewis
National Security Advisor.....Tom Hawkins
Policy Director..... Hazen Marshall
Policy Advisor & Counsel..... Brendan Dunn
Policy Advisor.....Jonathan Burks, Neil Chatterjee, Scott Raab, Erica Suares, Terry Van Doren
Communications Director..... Michael Brumas, Brian Forest (Deputy)

---

[211] *See* National Republican Senatorial Committee, *available at* https://www.nrsc.org/. (last viewed Sept. 2, 2015).

Staff Assistants ..... Suzanne Burton,
Emily Costanzo,
Mallory Shoffner

Senate Majority Whip
Senate Majority Whip ..... John Cornyn
Key Staff:
Chief of Staff ..... Russ Thomasson
Deputy Chief of Staff ..... Monica Popp
Policy Advisor ..... John Chapuis,
Jonathan Slemrod

Secretary for the Majority
Secretary for the Majority ..... Laura Dove
Senate Republican Conference
Chairman ..... John Thune
Vice Chairman ..... Roy Blunt

Key Staff:
Staff Director ..... Brendon Plack
Communications Director ..... Chandler Smith
Senior Writer ..... Mary Katherine Ascik

Senate Republican Policy Committee
Chairman ..... John Barrasso
Key Staff:
Staff Director ..... Dan Kunsman
Policy Director ..... Arjun Mody
Policy Analysts ..... Dana Barbieri
Brian Blasé,
Mitch Kominsky,
Spencer Wayne
Policy Counsel ..... Matt Leggett,
Michael Stransky,

National Republican Senatorial Committee
Chairman ..... Roger Wicker
Vice Chairman ..... Tom Cotton
Vice Chairman ..... Joni Ernst
Vice Chairman ..... Dean Heller

Key Staff:
Executive Director ..... Ward Baker
Assistant to Executive Director..... Kevin Golden
Assistant to Deputy Executive Director..... Alex Clark
General Counsel .....Matthew Raymer
Research Director..... Mark McLaughlin

G. SENATE MINORITY (CURRENTLY DEMOCRATIC) LEADERSHIP

Minority leadership in the U.S. Senate consists of: the Senate Minority Leader; Senate Minority Whip and Assistant Minority Leader; Senate Democratic Conference; Senate Democratic Policy and Communications Center;[212] Democratic Senatorial Campaign Committee;[213] and Democratic Steering and Outreach Committee.[214]

Senate Minority Leader

---

[212] Democratic Policy and Communications Committee, *available at* http://www.dpcc.senate.gov/?p=about (last viewed Sept. 2, 2015).
[213] Democratic Senatorial Campaign Committee, *available at* http://www.dscc.org/about (last viewed Sept. 2, 2015).
[214] Democratic Steering and Outreach Committee, *available at* http://www.dsoc.senate.gov/ (last viewed Sept. 2, 2015).

Senate Minority Leader.....Harry Reid

Key Staff:
Chief of Staff .....Drew Willison
Executive Assisstant. to Chief of Staff .....Devon Brown
Deputy Chief of Staff.....David McCallum
Deputy Chief of Staff (Policy) ..... William Dauster
Executive Assistant to Minority Leader ..... Adelle Cruz
Senior National Security Advisor.....Jessica Lewis
Deputy National Security Advisor ..... Julie Klein
Chief Counsel..... Ayesha Khanna
Counsel ..... Wendy Helgemo
Policy Advisor.....Ryan Mulvenon
Legislative Director .....Jason Unger
Senior Advisor, Intergovernmental & External Affairs..... Portia White

Senate Minority Whip and Assistant Minority Leader
Senate Minority Whip / Assistant Minority Leader ..... Dick Durbin
Key Staff:
Chief of Staff ..... Patrick Souders
Communications Director..... Ben Marter, Christina Mulka (Deputy)

Secretary for the Minority
Secretary for the Minority.....Gary Myrick
Assistant Secretary for the Minority ..... Tim Mitchell

Senate Democratic Conference
Senate Democratic Leader.....Harry Reid
Vice Chair of the Conference..... Charles Schumer

Secretary of the Conference..... Patty Murray

H. SENATE DEMOCRATIC POLICY AND COMMUNICATIONS CENTER

Established in 1947 as the Democratic Polity Committee

(DPC), the Democratic Policy and Communications Center (DPCC), serves "as an advisory board to the Democratic Leadership and as a research, policy-formulating, and communications arm of Senate Democrats."[215]

Chairman ..... Charles Schumer
Vice Chairman ..... Debbie Stabenow

Key Staff:
Staff Director ..... Mike Lynch
Policy Director..... Ryan McConaghy,
..... Gerry Petrella
Policy Advisor..... Charlie Ellsworth
..... Julie Klein
Policy Assistant..... Karlee Tebbutt
Research Director..... Dan Yoken
Communications Director..... Matt House

---

[215] Democratic Policy and Communications Committee, *available at* http://www.dpcc.senate.gov/?p=about (last viewed Sept. 2, 2015).

I. DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

The purpose of the Democratic Senatorial Campaign Committee is to foster election of a Democratic Senate.[216]

Chairman ..... Jon Tester

J. DEMOCRATIC STEERING AND OUTREACH COMMITTEE

The purpose of the Democratic Steering and Outreach Committee is to foster "dialogue between Senate Democrats and leaders from across the nation. Each year, the Steering Committee hosts numerous meetings with advocates, policy experts, and elected officials to discuss key priorities and enlist their help in the development of the Senate Democratic agenda."[217] Leadership of the Democratic Steering and Outreach Committee is as follows:

Chair ..... Amy Klobuchar
Vice Chair ..... Jeanne Shaheen

Key Staff:
Staff Director ..... Patrick Hayes

---

[216] Democratic Senatorial Campaign Committee, *available at* http://www.dscc.org/about (last viewed Sept. 2, 2015).
[217] United States Senate Democratic Steering and Outreach Committee, *available at* http://www.dsoc.senate.gov/ (last viewed Sept. 2, 2015).

XXII. Importance of Congressional Staff

Little understood or fully appreciated outside the halls of the U.S. Congress is the importance of the professional congressional staffs.[218] For example, the Senate Select Committee on Intelligence reports that "The Committee's staff reviews intelligence reports, budgets, and activities; investigates matters on behalf of the Committee; prepares legislation; and receives briefings."[219] It is the diligent behind-the-scenes hard work of congressional staff on both sides of the aisle that serves as the foundation for educating members of congress about issues before them, facilitating congressional oversight, and formulating legislation. *Congressional Quarterly* observes that, "The influence of the staff-bureaucracy has grown over the years as many members, swamped with a workload of increasing bulk and complexity, rely on their aides for policy recommendations and professional

---

[218] *See generally* Jennifer M. Jensen, *Explaining Congressional Staff Members' Decisions to Leave the Hill*, 38 CONGRESS & THE PRESIDENCY 39 (2011); Lee Drutman & Bruce E. Cain, Congressional Staff and the Revolving Door: The Impact of Regulatory Change (Aug. 20, 2013), *available at* http://ssrn.com/abstract=2313304; Tim LaPira, Lobbying Influence and Agenda Setting in Congress (Jul. 25, 2011), *available at* http://ssrn.com/abstract=2246821; Jeffrey Lazarus & Amy Melissa McKay, Consequences of the Revolving Door: Evaluating the Lobbying Success of Former Congressional Members and Staff (unpublished paper) (2012), *available at* http://ssrn.com/abstract=2141416.

[219] U.S. Senate Select Committee on Intelligence, About the Committee, Overview of the Senate Select Committee on Intelligence Responsibilities and Activities, Staff, *available at* *http://www.intelligence.senate.gov/about.html* (last viewed Sept. 2, 2015).

expertise."[220] Congressional committee staff is credited by *Congressional Quarterly* with performing the following essential functions:

> 1. Organizing hearings…
> 2. Oversight and Investigations. Much original research is con-ducted by staff members on issues that come before a committee. This usually in-volves a critique of existing legislation, court decisions and current practices…
> 3. Bill markup and Amendment…
> 4. Preparing Reports…
> 5. Preparation for Floor Action…
> 6. Conference Committee Work…
> 7. Liaison With Executive Branch, Special Interests… [and]
> 8. Press Relations…[221]

One former U.S. Senator observes that

> A politically minded young person can rise to apposition of responsibility as a Hill staffer faster than almost anywhere else. But just as for their bosses, the pace and the work are brutal and the pay is generally low. Some Senate staffers burn out or move on after a few years, having gained vital experience and insight on how government works. For those who stay on the Hill, some move from 'personal staff,' based in a senator's office, to a 'professional' committee staff, joining a team of issue experts, typically through appointment from a senator to a committee on which he serves. The

---

[220] CONGRESSIONAL QUARTERLY, *supra* note 28 at 105.
[221] *Id*. at 107.

committee staffer will cover meetings for senators, advise them on issues and votes and negotiate legislation.[222]

XXIII. Government Accountability Office

Established in 1921 as The General Accounting Office, on July 7, 2004 it was renamed The Government Accountability Office (GAO), and "is the largest of the three agencies that provide staff support, research, review and analysis for Congress."[223] Professor Anne Joseph O'Connell reports that "Congress subsequently gave the GAO substantial additional authority after Watergate… the GAO now investigates, culls, and synthesizes stances on a multitude of policy programs and expenditures on its own initiative, by legislative mandate, and at the request of congressional committees and individual members of congress."[224]

Professor Samuel Workman observes that, "For systems of any type, information on current and past performance forms an important source of feedback for decision-making. In the case of policymaking systems, an important form of feedback is policy analysis… Feedback is also fundamental to depictions of policy change in the

---

[222] *See* DASCHLE & ROBBINS, *supra* note 19 at 53.

[223] *See* Frederick M. Kaiser, CRS Report for Congress: GAO: Government Accountability Office and General Accounting Office, Congressional Research Service (updated Sept. 10, 2008), *available at* http://fas.org/sgp/crs/misc/RL30349.pdf (last viewed Sept. 2, 2015).

[224] *See* Anne Joseph O'Connell, Auditing Politics or Political Auditing? UC Berkeley Public Law Research Paper No. 964656 (2007), *available at* http://ssrn.com/abstract=964656.

American political system."[225] During recent years, many governments have shifted focus from how revenues are raised to "the efficiency with which money is spent."[226] However, the institution of Congress is not "'well-structured to conduct policy analysis,' because it is too political a body to bring systematic, unbiased evidence to bear on policy decisions. Congress is a *representative* assembly, not a research bureau. Its internal organization is inconsistent with analytical perceptions and definitions of policy issues."[227] Many reasons are given for Congresses' lack of policy analysis capability, including the parochial nature of Congressional members, where "geographical representation and single-member districts compel lawmakers to respond to local pressures, and undermine the incentive to legislate in the national interest. Congress also caters to the demands of interest groups, and regularly makes economic decisions that policy analysts find indefensible on efficiency grounds."[228]

XXIV. Congressional Budget Office

---

[225] *See* Samuel Workman, What Can We Learn About Policy Analysis and Change from the Language of Oversight? (unpublished paper) (2013), *available at* http://ssrn.com/abstract=2317641.

[226] *See* Simon Norton & Murphy Smith, Contrast and Foundation of the Public Oversight Roles of the Us General Accountability Office and the UK National Audit Office. Public Admin. Rev. (Forthcoming), *available at* http://ssrn.com/abstract=1262959.

[227] *See* Eric Patashnik & Justin Peck, Can Congress Do Policy Analysis? The Politics of Problem Solving on Capitol Hill 1 (Aug. 31, 2014). A revised version will appear in: Governance in a Polarized Age. Alan Gerber and Eric Schickler, editors. Cambridge University Press. (2015). (forthcoming), *available at* http://ssrn.com/abstract=2489643.

[228] *Id*.

The strictly nonpartisan Congressional Budget Office (CBO) since 1975 "has produced independent analyses of budgetary and economic issues to support the Congressional budget process. Each year, the agency's economists and budget analysts produce dozens of reports and hundreds of cost estimates for proposed legislation."[229] In addition, the CBO "conducts objective, impartial analysis; and hires its employees solely on the basis of professional competence without regard to political affiliation. CBO does not make policy recommendations, and each report and cost estimate summarizes the methodology underlying the analysis."[230] Eric Ghysels and Nazire Ozkan observe that, "Under its routine procedures, the CBO prepares baseline projections incorporating the assumption that current laws generally remain in place; those projections are designed to serve as a benchmark that policymakers can use when considering possible changes to those laws."[231]

XXV. Library of Congress

Created in 1914, and now known as the Congressional Research Service (CRS) of the Library of Congress, the CRS states its mission as to serve "the Congress throughout the legislative process by providing

---

[229] U.S. Congressional Budget Office, An Introduction to the Congressional Budget Office 1 (Apr. 2015), *available at* http://www.cbo.gov/sites/default/files/cbofiles/attachments/2015-IntroToCBO.pdf (last viewed Sept. 2, 2015).

[230] *Id*.

[231] Eric Ghysels & Nazire Ozkan, Real-Time Predictions of the U.S. Federal Government Budget: Expenditures, Revenues and Deficits, UNC Kenan-Flagler Research Paper 1 (Oct. 31, 2012), *available at* http://ssrn.com/abstract=2169344.

comprehensive and reliable legislative research and analysis that are timely, objective, authoritative and confidential, thereby contributing to an informed national legislature."[232] Operating as shared staff to Members of Congress and congressional committees, CRS "Staff members analyze current policies and present the impact of proposed policy alternatives… [such as:] reports on major policy issues; tailored confidential memoranda, briefings and consultations; seminars and workshops; expert congressional testimony; and responses to individual inquiries."[233]

During FY2012, the CRS responded to 698,179 requests from congressional members and committees for services such as: over "71,000 requests for analysis, information, and research; more than 9,000 congressional participants in seminars, institutes, and training sessions, and nearly 618,000 client visits to the CRS Web site home page that resulted in more than 1 million copies of CRS products viewed on the CRS Web site."[234] The Library of Congress reports that

> CRS analysts work in a collaborative, multidisciplinary environment to prepare detailed explanations of complex

---

[232] History and Mission, U.S. Library of Congress: Congressional Research Service, *available at* http://www.loc.gov/crsinfo/about/history.html (last viewed Sept. 2, 2015).

[233] About CRS, U.S. Library of Congress: Congressional Research Service, *available at* http://www.loc.gov/crsinfo/about/ (last viewed Sept. 2, 2015).

[234] Annual Report of the Congressional Research Service of the Library of Congress for Fiscal Year 2012, at 1, Pursuant to §321 P.L. 91-510 (2013), *available at* http://www.loc.gov/crsinfo/about/crs12_annrpt.pdf (last viewed Sept. 2, 2015).

> policy issues, identify and assess policy approaches, develop and analyze legislative options, conduct legal analysis of pending legislation and administrative actions, provide in-person consultations on public policy issues, and assist with legislative procedures as well as processes relating to the federal budget and appropriations. Analysts also deliver expert testimony before congressional committees, support hearings and investigations, identify prospective witnesses, prepare products on current legislative issues, and respond to specific requests with confidential memoranda.[235]

Regarding legal issues pertaining to cybersecurity legislation, "Among the issues CRS attorneys analyzed were the use of smart meters, computer crime, the authority of the federal government to block access to certain Internet sites, privacy effects of information-sharing regimes, protection of federal networks, and the Fourth Amendment implications of government network-monitoring programs."[236]

XXVI. Call to Action

A major question about effective congressional oversight is whether congress as an institution can react in a timely matter to the increasing rate of technological change. Scott Shackelford observes that on a global basis,

---

[235] *Id*.
[236] *Id*. at 22.

"internet governance is fracturing, which makes addressing cybersecurity challenges all the more difficult."[237] Just as technology has brought disruptive change to many aspects of modern life, congressional leadership must ask and examine whether the institution is effectively adapting as currently structured.

XXVII. Conclusion

Congressional oversight is a process whereby Congressional committees exercise a crucial role in monitoring and holding administrative agencies accountable for matters relating to cybersecurity and national defense. So many aspects of cybersecurity have the potential for use by: terrorists; by foreign entities as a tool to conduct industrial espionage against U.S. business; and by nation state adversaries, or others intent upon creating serious disruption. These various threats mean that cybersecurity policy in many ways must be treated just like the strategic and operational plans of a country at war.

---

[237] *See* Scott Shackelford, On Climate Change and Cyber Attacks: Leveraging Polycentric Governance to Mitigate Global Collective Action Problems, Kelley School of Business Research Paper No. 15-54. (July 13, 2015), *available at* http://ssrn.com/abstract=2630333, *citing* JONAH FORCE HILL, HARV. UNIV., INTERNET FRAGMENTATION: HIGHLIGHTING THE MAJOR TECHNICAL, GOVERNANCE AND DIPLOMATIC CHALLENGES FOR U.S. POLICY MAKERS 31 (2012), *available at* http://belfercenter.hks.harvard.edu/files/internet_fragmentation_jonah_hill.pdf.