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Recent Developments in Cybersecurity Law and Policy

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What We'll Cover

- Timeline
- Executive Action from 2013 to 2015
- Cybersecurity Act of 2015

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Timeline – Law & Policy

- 2012: No Congressional Action on Cyber Legislation
- 2013: Executive Order 13636
- 2014: NIST Cybersecurity Framework
 - FTC/DOJ Guidance on Antitrust
 - DOJ Guidance on ECPA
- 2015:
 - Executive Order 13691
 - Cybersecurity Act of 2015

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Timeline – Law & Events

Year	2012	2013	2014	2015
Law & Policy	<ul style="list-style-type: none"> • No Congressional Action 	<ul style="list-style-type: none"> • EO 13636 – Critical Infrastructure Cybersecurity 	<ul style="list-style-type: none"> • NIST Framework • Antitrust/ECPA Guidance 	<ul style="list-style-type: none"> • EO 13691 – ISAOs • EO 13694 – Cyber Sanctions • Cybersecurity Act of 2015
Events	<ul style="list-style-type: none"> • Theft from USG and Defense Contractors • DDOS Attacks Financial Institutions 	<ul style="list-style-type: none"> • National Security Disclosures • Target Attack 	<ul style="list-style-type: none"> • Retail Store Breaches • Indictments Against Chinese Military Members • Sony Attack 	<ul style="list-style-type: none"> • OPM Breach • Agreement on Economic Espionage • Ukrainian Electric Grid • Ransomware

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2012: No Congressional Action on Cyber Legislation

- Over 50 cyber bills introduced before the 2012 general election
- House passed Cyber Intelligence Sharing and Protection Act (CISPA)
- Senate failed to move Cybersecurity Act of 2012 forward
- Competing approaches: regulatory regime versus voluntary, incentivized private sector participation

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E.O. 13636 – “Improving Critical Infrastructure Cybersecurity” (2013)

- Increase in information sharing, among other things, to assist private sector
- Identification of most critical infrastructure
- Development of National Institute of Standards and Technology (NIST) Cybersecurity Framework

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