

July 19, 2018

Dear Members of Congress:

In the wake of the President's controversial statements in Helsinki on July 16, 2018, dismissing the consensus view of most Members of Congress and the Intelligence Communities that Russia interfered in the 2016 elections,¹ in a rare show of unity, members from both sides of the aisle have recognized that further action is necessary to shore up our democratic institutions from foreign interference. The President later reversed course, appearing in a press conference back in the United States, saying "I accept our intelligence community's conclusion that Russia's meddling in the 2016 election took place."²

POGO is an organization dedicated to nonpartisan and independent investigations that has worked to expose waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We have compiled a list of issues related to the ongoing attempts to undermine our democracy that are ripe for Congressional investigation and oversight. We hope that you will view this list of recommendations as a starting point to putting the full weight and authority of our legislative branch into deterring future threats against our democratic systems.

If you or your staff have any questions, thoughts, or requests for additional information please contact Liz Hempowicz at ehempowicz@pogo.org or (202) 347-1122.

Sincerely,



Danielle Brian
Executive Director

¹ "Remarks by President Trump and President Putin of the Russian Federation in Joint Press Conference," The White House, July 16, 2018. <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-putin-russian-federation-joint-press-conference/> (Downloaded July 18, 2018)

² Christina Wilkie, "Trump: Russian election meddling took place, but it 'could be other people' as well", *CNBC*, July 17, 2018. <https://www.cnbc.com/2018/07/17/trump-election-meddling-took-place-but-russian-actions-had-no-impact.html> (Downloaded July 18, 2018)

The House Committee on Administration and the Senate Committee on Rules and Administration should:

Examine the digital security of Congressional offices to determine whether changes are necessary to protect against hacking or other interference. [Recent reports](#) have highlighted that the Senate sergeant-at-arms, the body responsible for the Senate's cybersecurity, does not protect staffers' personal electronic devices.³ Further, staffers were the target of a phishing campaign led by the same Russian government hacking group responsible for hacks in 2016. Along the same lines, the Committees should consider reestablishing the Office of Technology Assessment to enhance Congressional understanding of critical cybersecurity and technology issues. It is clear that these digital threats will not stop on their own, and Congress must conduct oversight to examine the extent of these threats and what additional protections are necessary.

The Senate Committees on Rules and Administration, the Judiciary, and Appropriations, and the House Committees on the Judiciary, Appropriations, and House Administration should:

Examine whether additional funding is necessary for state efforts to protect election systems from attack. Congress appropriated \$380 million to improve election infrastructure in March's omnibus bill, though [experts assert](#) it isn't enough to adequately address the vulnerabilities highlighted by the 2016 election. The Committees should also continue holding oversight hearings on measures states are already enacting to protect elections as they may encourage greater enactment of best practices in other vulnerable states. Congress should also hold hearings to examine how robustly sanctions enacted in response to attacks on our elections are being implemented, and respond to any inadequacies of action.

The Senate Homeland Security & Governmental Affairs Committee and House Oversight and Government Reform Committee should:

Examine the impact that vacancies in high level positions have on federal effectiveness. A joint project between *The Washington Post* and the Partnership for Public Service reports that [175 out of 679](#) positions requiring presidential nominations and Senate confirmations still don't have a nominee.⁴ These include key oversight positions such as Inspectors General at the Department of Defense and the Department of Homeland Security, as well as positions such as the coordinator for threat reduction programs and the director and four associate directors of the White House Office of Science and Technology Policy. The impact of these vacancies is hard to measure, but Congressional oversight may help highlight the importance of adequate staffing to ensure proper functioning of our government institutions.

The Committees should also conduct further oversight of federal agencies' cybersecurity. As the federal government increasingly relies on complex computer systems and networks to increase

³ Kevin Collier, "Senate Quietly Admits It Doesn't Protect Staffers' Personal Email Or Devices From Hacking," *Buzzfeed News*, July 3, 2018. <https://www.buzzfeednews.com/article/kevincollier/senate-quietly-admits-it-doesnt-protect-staffers-personal#.rx9OX9L9n> (Downloaded July 18, 2018)

⁴ "Tracking how many key positions President Trump has filled so far," *The Washington Post* and The Partnership for Public Service. https://www.washingtonpost.com/graphics/politics/trump-administration-appointee-tracker/database/?noredirect=on&utm_term=.64a50e2596e9 (Downloaded July 19, 2018)

efficacy and accessibility of government services, Congress should focus on ensuring that cybersecurity efforts keep up with the shift. Federal agencies reported [35,277 cyber incidents](#) involving their systems in fiscal year 2017, an increase of 14 percent from the previous fiscal year—and those numbers only account for the instances agencies caught. In the same report, the White House stated “the government must take additional steps to help agencies identify the sources and vectors of these incidents.”⁵

The Senate Foreign Relations Committee and House Judiciary Committee should:

Examine loopholes within the Foreign Agents Registration Act (FARA) that contribute to undue foreign influence. The Justice Department has relied on agents of foreign governments to voluntarily comply with the law, and regularly fails to enforce the law against those who mislead policymakers and the public on behalf of their foreign clients. The Committee should examine how the law falls short, how foreign governments and their lobbyists are exploiting the law’s exemptions, and assess the need to clarify what activities and relationships require registration.

The House Energy and Commerce Committee should:

Examine the ability of foreign influence laws to combat foreign influence campaigns. Current foreign influence laws neither address the role of social media nor adequately require disclosure for United States-based foreign media outlets. The House Energy and Commerce Committee should examine the current disclosure requirements for foreign-sourced and -distributed information and determine if they should be amended.

The Senate Committee on Finance and the House Committee on Ways and Means should:

Examine the use of think tanks and tax-exempt organizations to influence U.S. policy. The Justice Department has failed to clarify if some think tanks should register under the Foreign Agents Registration Act if they receive significant grants from foreign governments while engaging in political activities like issuing reports, conducting policy meetings and briefings, and having their staff testify before Congress. The Committees should review the law’s requirements and determine if think tanks and similar entities should disclose these relationships.

The Senate and the House should:

Consider legislation to protect the Special Counsel as he continues to investigate and prosecute cyber attacks that occurred during the 2016 election, which was reported favorably out of the Senate Judiciary Committee on a bipartisan basis. Further, Congress should be looking at the indictments coming out of this investigation to determine what laws need to be strengthened to deter foreign interference in our elections and to hold foreign actors accountable for interference.

⁵ *Federal Information Security Modernization Act of 2014: Annual Report to Congress*, Office of Management and Budget, Fiscal Year 2017, p. 29.. <https://www.whitehouse.gov/wp-content/uploads/2017/11/FY2017FISMAReportCongress.pdf> (Downloaded July 18, 2018)