

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0533**

March 5, 2018

Mr. Rob Joyce  
Cybersecurity Coordinator  
National Security Council  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue, NW  
Washington, D.C. 20504

Dear Mr. Joyce:

Thank you for your service. I am writing about the Vulnerabilities Equities Policies and Process (VEP) released by the Administration in November 2017. While I applaud the effort to bring transparency to the decision-making process for when the government should share cyber vulnerabilities with the private sector, I am concerned with the level of discretion when it comes to sharing information with Congress.

As you may know, I introduced the PATCH Act with a bipartisan, bicameral group of Members of Congress in May 2017 specifically to bring transparency to the government's decision-making process regarding when and how to disclose vulnerabilities and accountability to the VEP's results. The November 2017 policy represents an important step toward accomplishing the former goal. I am pleased to see clarity over which agencies have a seat at the table, ranging from Department of Defense to the Department of Commerce. I also appreciate that the framework takes into account the United States' international relationships and commitments.

However, the new policy lacks the critical piece of accountability to give the American people full confidence in the government's decision-making on vulnerability disclosure. In Section 4.3 ("Annual Reporting"), the policy states, "As part of a commitment to transparency, annual reporting *may* be provided to the Congress" (emphasis added). The ultimate success of the VEP hinges on whether the results of the government's opaque decision-making on vulnerability disclosure can be audited by Congress to ensure the desired policy is being achieved.

Given the VEP document's extant language, I respectfully request responses to the following questions:

1. Will your office commit to providing annual reports to Congress?
2. Will a report for 2017 be included in the inaugural report to Congress?

3. The VEP is dependent upon departmental and agency cooperation and participation. Without buy-in from U.S. Government entities, the VEP is fundamentally stunted. Can you clarify what authorities the VEP Director has at his or her disposal to ensure agencies are complying with the reporting requirements to the Equities Review Board?

Thank you for your attention to this critical matter. I look forward to your response.

Sincerely,



Ted W. Lieu  
Member of Congress