

## ALEJANDRO CALCAÑO BERTORELLI

(b)(6)

### EXPERIENCE

#### **AI Now Institute at New York University (2019-Present)**

*A research institute at New York University examining the social implications of artificial intelligence*

Special Projects Lead

#### **Federal Trade Commission (Sept. 2021-Apr. 2022)**

Technology Advisor, OPP

#### **Freelance Consultant & Producer (2017-2019)**

*Projects included:*

- Project Manager, The School for Temporary Liveness (2018 –2019)
- Production & Studio Manager, Gerard & Kelly (2018)<sup>(1)</sup><sub>(SEP)</sub>
- Project Manager, Harbinger Creative (2017 – 2018)

#### **Sunny Bates Associates (2011 – 2017)**

Research & Production Lead (2011-2017)

### EDUCATION

Vassar College, BA in Media Studies, Correlate in Political Science, 2007-2011 — Poughkeepsie, NY  
United World College of the Adriatic, International Baccalaureate, 2005-2007 — Duino, Italy

### SKILLS

- Fluent in both English and Spanish. Conversational and reading proficiency in Italian.

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Alejandro Calcaño	2. POSITION TITLE Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.00
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Policy Planning (OPP), FTC, Washington, DC. In accordance with 5 C.F.R. § 304: Expert and Consultant Appointments, the assignee will serve as a Technology Advisor, and act as a key source of technical and policy expertise to facilitate visionary strategic initiatives related to the Commission's approach on governing emerging technologies, as well as enhancing the Commission's technology operations. As an authority on and recognized expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist, senior Commission leaders, and case teams on the latest developments in emerging technology and related policy issues, and guide leaders on the technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing technology, engineering, and artificial intelligence, the assignee will leverage his or her deep first-hand expertise to equip the agency with the institutional knowledge it requires in order to bolster and scale its capacity to govern emerging technologies.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Alejandro currently serves as the Special Projects and Communications Lead, supporting the operational and strategic growth of the AI Now Institute. He consulted with the founding team on the first AI Now Symposium in 2016, and since then has worked closely with the Leadership Team on event production and various research projects. Previously he worked as Research, Design and Production Associate at Sunny Bates Associates, a firm connecting the people and ideas shaping the future. Alejandro grew up in Caracas, Venezuela, and received his BA in Media Studies from Vassar College. The expertise that Alejandro has developed in the ethics of artificial intelligence positions him to research and amplify emerging FTC efforts to ensure that regulated corporations leverage machine learning and artificial intelligence responsibly and without harming consumers. Alejandro will play an integral role in the Commission's strategic direction by leveraging his deep technical expertise and operational experience to provide advice and assistance on major technology research initiatives, as well as matters in litigation, and to guide programs and policies that enhance the effectiveness of the Commission's technology operations.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Stephanie Nguyen	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Policy Planning	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD \_\_\_\_\_ DATE \_\_\_\_\_

Stephanie T. Nguyen

Digitally signed by Stephanie T. Nguyen  
Date: 2021.10.23 00:00:27 -0400

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

LORIELLE PANKEY

Digitally signed by LORIELLE PANKEY  
Date: 2021.10.25 07:17:38 -0400

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

DAVID ROBBINS

Digitally signed by DAVID ROBBINS  
Date: 2021.10.25 11:32:26 -0400

executive director

10/25/2021

16. I certify that: a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ \_\_\_\_\_ is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

VICKI BARBER

Digitally signed by VICKI BARBER  
Date: 2021.11.08 12:01:41 -0500

11/08/2021

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR ALEJANDRO CALCANO**

The FTC is amending the statement of duties (Box 5) on Alejandro Calcano’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Mr. Calcano’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Calcano’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on technology research strategy and implementation. In particular, he will work together with staff to provide support on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. He will bring his expertise on the ethics of artificial intelligence and tech research strategy and implementation to bear on several key project areas in which he would review and support the advancement of work product which would include: (1) collaborating closely with staff and leadership to provide support on work product related to emerging tech issues and market development trends that could lead to enforcement efforts and (2) providing relevant advice and assistance on technology research. Given the assignee’s expertise, he will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, he will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

ELIZABETH  
WILKINS

Digitally signed by  
ELIZABETH WILKINS  
Date: 2022.08.26 12:53:42  
-04'00'

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Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

Digitally signed by  
MONIQUE FORTENBERRY  
Date: 2022.08.26 15:28:51  
-04'00'

Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

Digitally signed by DAVID  
ROBBINS  
Date: 2022.08.26 14:14:12  
-04'00'

David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

Digitally signed by  
LORIELLE PANKEY  
Date: 2022.08.26  
15:39:38 -04'00'

Lorielle L. Pankey  
Designated Agency Ethics Official

## AMBA KAK

(b)(6)

### EDUCATION

**B.C.L.**, Bachelor of Civil Law (Post-graduate degree), Faculty of Law, University of Oxford  
**Rhodes Scholar** (Constituency: India)

**M.Sc.**, Social Science of the Internet (with distinction), Oxford Internet Institute, University of Oxford  
Thesis: *Unbundling the internet* (Research on user response to Facebook “FreeBasics”)

**B.A., L.L.B (Hons.)**, National University of Juridical Sciences (NUJS), India  
Editor, *NUJS Law Review*

### WORK EXPERIENCE

*Sr. Technology Advisor, Office of Policy Planning, Federal Trade Commission*, Wash. DC 2021 -

*Sr. Fellow, Khoury College of Computer Science, Northeastern University*, MA 2021 -

*Director of Global Policy and Programs, AI Now Institute at New York University*, NY 2019 -

*Fellow, Engelberg Center, NYU School of Law*, NY 2019-21

*Global Policy Advisor, Mozilla Corporation*, San Francisco/New Delhi 2016-19

*Visiting Scholar, IViR Institute of Information Law, University of Amsterdam* 2016-17

*Government Consultant, National Institute of Public Finance & Policy*, New Delhi 2016-17

*Summer Associate, Allen & Overy, LLP*, London 2012

### HONORS, AWARDS, AND BOARD INVOLVEMENT

Member, *Program Committee, Mozilla Foundation*, Toronto 2019 -

Member, *Working Group (Future of Data Regulation), Ada Lovelace Institute*, London 2020-21

**Mozilla Technology Policy Fellow** 2016-17

**Rhodes Scholar (Constituency: India)** 2014

**Google Policy Fellow** 2013

## ACADEMIC PUBLICATIONS, REPORTS, AND GOVERNMENT TESTIMONY

Rashida Richardson and **Amba Kak**, “Suspect Development Systems: Databasing Marginality and Enforcing Discipline”, Forthcoming publication in Michigan Journal of Law Reform (2022)

**Amba Kak**, “Lessons From a Pandemic: Three Provocations for AI Governance” *in* A DIGITAL NEW DEAL, IT for Change ed. (2021)

**Amba Kak (ed.)**, “Regulating Biometrics”, AI Now Institute (2020)

**Amba Kak**, Rashida Richardson, and Roel Dobbe, “Submission to the European Commission on White Paper on AI - A European Approach”, AI Now Institute (2020)

**Amba Kak** and Rashida Richardson, “Written Comments to the Office of the Privacy Commissioner of Canada on Proposals for Ensuring Appropriate Regulation of AI”, AI Now Institute (2020)

**Amba Kak**, “The Global South is everywhere, but also always somewhere: National Policy Narratives and AI Justice”, AIES: Proceedings of the AAAI/ACM Conference on AI, Ethics, and Society (2020)

**Amba Kak**, Kate Crawford, and Jason Schultz, “Written Comments to Australian Human Rights Commission on AI Governance Framework”, AI Now Institute (2020)

**Amba Kak**, “The Emergence of the Personal Data Protection Bill, 2018: A Critique”, Economic & Political Weekly, Vol 53, No 38 (2018)

**Amba Kak**, “Cambridge Analytica & the Political Economy Of Persuasion”, Economic & Political Weekly, Vol 53, No 20 (2018)

**Amba Kak**, Vinod Kotwal and Smriti Parsheera, “Open Data & Digital identity: Lessons for Aadhaar”, IEEE Xplor, 27-29 Nov (2017)

Daniel O’Maley and **Amba Kak**, “Free internet’ and the costs to media pluralism; The hazards of zero-rating the news”, CIMA Digital Report, (2018)

**Amba Kak**, “Report: Assessing zero rating: How regulators have picked good from bad”, supported by Mozilla Foundation, (available online)

Locke, Chris, Jonathan Donner, Bryan Pon, Savita Bailur, Francis Hook and **Amba Kak**, “Digital Access in Africa”, Caribou Digital, 2016 (available online)

**Amba Kak** and Maggie Huang, “Mobile music: affordable access and the copyright regime it needs to survive”, Pervasive Technologies, ed. Prof. Jorge Contreras and Sunil Abraham (submitted 2014, forthcoming, Sage).

**Amba Kak** and Malavika Jayaram, “Legal legacies of identity production, In the Wake of Aadhaar: The Digital Ecosystem of Governance in India”, ed. Ashish Rajadhyaksha (Bangalore, CSCS, 2013)

**Amba Kak**, “Privacy and the National Identification Authority of India Bill: Leaving Much to the Imagination”, 3(4) NUJS Law Review, 2011

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) <b>Amba Kak</b>	2. POSITION TITLE Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will serve as a Technology Advisor, and act as a key source of technical and policy expertise to facilitate visionary strategic initiatives related to the Commission's approach on governing emerging technologies, as well as enhancing the Commission's technology operations. As an authority on and recognized expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist, senior Commission leaders, and case teams on the latest developments in emerging technology and related policy issues, and guide leaders on the technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing technology, engineering, and artificial intelligence, the assignee will leverage his or her deep first-hand expertise to equip the agency with the institutional knowledge it requires in order to bolster and scale its capacity to govern emerging technologies.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Amba Kak currently serves as the Director for Global Policy and Programs at NYU's AI Now Institute, where she develops and leads AI Now's global policy engagement initiatives, research programs, and partnerships. In this role, she spearheads the development and implementation of a research and policy agenda around AI ethics and responsibility, ensuring that it is relevant to a broad set of stakeholders across sectors, regions, and functions. The expertise that Amba has developed in the ethics of artificial intelligence, and knowledge she holds on the diverse interests of the stakeholders in this area, perfectly position her to lead the FTC's emerging efforts to ensure that regulated corporations leverage these latest technologies in a socially responsible way, including by not unfairly harming consumers. Furthermore, her experience at the intersection of technology and law—including serving as a Fellow at NYU School of Law and as a Technology Policy Fellow and Advisor at the Mozilla Foundation—has prepared her to advise senior Commission leaders on innovative legal theories that the FTC can leverage to better protect consumers in digital markets.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Erie Meyer, CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD  
**ERIE MEYER**  
Digitally signed by ERIE MEYER  
Date: 2021.09.08 17:03:25 -04'00'

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL  
**LORIELLE PANKEY**  
Digitally signed by LORIELLE PANKEY  
Date: 2021.09.23 10:50:57 -04'00'

15. FOURTH QUARTER APPROVAL  
OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE  
**DAVID ROBBINS**  
Digitally signed by DAVID ROBBINS  
Date: 2021.09.23 13:43:25 -04'00'

16. I certify that:  
a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER  
**VICKI BARBER**  
Digitally signed by VICKI BARBER  
Date: 2021.11.08 12:06:17 -05'00'

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR AMBA KAK**

The FTC is amending the statement of duties (Box 5) on Amba Kak’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Ms. Kak’s work during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. Kak’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in artificial intelligence, international technology and law, and technology platforms and systems to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) supporting Bureau staff on cases and enforcement matters, (2) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement efforts, and (3) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

**ELIZABETH  
WILKINS**

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ELIZABETH WILKINS  
Date: 2022.08.26 12:55:38  
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Elizabeth Wilkins  
Director, Office of Policy and Planning



MONIQUE  
FORTENBERRY

Digitally signed by  
MONIQUE FORTENBERRY  
Date: 2022.08.26 15:30:27  
-04'00'

Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

Digitally signed by DAVID  
ROBBINS  
Date: 2022.08.26 14:17:01  
-04'00'

David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

Digitally signed by LORIELLE  
PANKEY  
Date: 2022.08.26 15:37:01  
-04'00'

Lorielle L. Pankey  
Designated Agency Ethics Official

## John E. Kwoka, jr.

**Address:** (b)(6) **Phone:** (b)(6)  
**Fax:**  
**Email:**  
**Web:**

### Current Positions:

Chief Economist to the Chair, Federal Trade Commission  
Neal F. Finnegan Distinguished Professor of Economics, Northeastern University (on leave)  
Board of Directors, Industrial Organization Society  
Editorial Board, Review of Industrial Organization

### Previous Academic Positions:

Professor of Economics, George Washington University, 1981-2001  
Columbian Professor, 2001  
Research Professor, 2001-2003  
Faculty Associate in Public Policy, George Washington University, 1983-2001  
Visiting Professor of Economics, Harvard University, 1994-95  
Visiting Associate Professor of Economics, Northwestern University, 1980-81  
Assistant Professor of Economics, University of North Carolina at Chapel Hill, 1972-75  
Instructor, Lecturer in Economics, University of Pennsylvania, 1970-72

### Previous Professional Positions:

Advisory Board, Journal of Industrial and Business Economics (2014-21)  
Board of Directors and Senior Fellow, American Antitrust Institute (1999-2021)  
Academic Advisory Board, Open Markets Institute (2019-21)  
Non-Governmental Advisor, International Competition Network (2010-21)  
Advisory Board, Competition Policy International (2020-21)  
Member, Advisory Council to the Competition Commission of Mauritius, 2012  
Guest Scholar, Amsterdam Center for Law and Economics, University of Amsterdam, Fall 2008  
ENCORE Fellow, University of Amsterdam, 2003-09  
General Editor, Review of Industrial Organization, 2001-04  
Vice President, Southern Economic Association, 2000-02  
Fellow, Center for Business and Government, Kennedy School, Harvard, Summer 2000  
Founder and Co-Director, GWU Research Program on Industry Economics and Policy, 1996-2001  
Guest Scholar, Brookings Institution, 1995  
Special Assistant to the Chief, Common Carrier Bureau, Federal Communications Commission, 1987-88

Associate Editor, Journal of Industrial Economics, 1990-95, 1998-2001  
Editorial Board, Review of Industrial Organization, 1983-2001  
President, Industrial Organization Society, 1998-99  
Board of Editors, Journal of Media Economics: 1987-96  
Advisory Board, Antitrust Law and Economics Review: 1985-90  
Economist, Economic Policy Office, Department of Justice Antitrust Division, 1985  
Economist, Bureau of Economics, Federal Trade Commission, 1975-81  
Economic Policy Fellow, Brookings Institution, 1975-76

**Education:**

Ph.D. in Economics, University of Pennsylvania, 1972  
A.B. in Economics, cum laude, Brown University, 1967  
Rensselaer Polytechnic Institute, 1963 (transferred)

**PUBLICATIONS**

**Books:**

Antitrust Economics in a Time of Upheaval, co-edited with T. Valletti and L. White, CPI, forthcoming

Controlling Mergers and Market Power: A Program for Reviving Antitrust in America, CPI Publishing, 2020

Mergers, Merger Control, and Remedies: A Retrospective Analysis of U.S. Policy, MIT Press, 2015, second printing 2018

The Antitrust Revolution, co-edited with Lawrence J. White:

7<sup>th</sup> ed., Oxford University Press, 2019

6<sup>th</sup> ed., Oxford University Press, 2014

5<sup>th</sup> ed., Oxford University Press, 2009

Translated into Chinese by Ping Lin and X. H. Zang, Economic Science Press of China, Beijing (2008)

4<sup>th</sup> ed., Oxford University Press, 2004

Translated into Chinese by Ping Lin and X. H. Zang, Economic Science Press of China, Beijing (2008)

3rd ed., Oxford University Press, 1999

2nd ed., HarperCollins, 1994

1st ed., Scott, Foresman, 1989.

Power Structure: Ownership, Integration, and Competition in the U.S. Electricity Industry, Kluwer, 1996.

**Articles:**

“Unscrambling the Eggs: Breaking Up Consummated Mergers and Dominant Firms,” with T. Valletti, Industrial and Corporate Change, August 2021.

“The Promise and Perils of Conduct Remedies in Merger Review,” in Albert A. Foer Liber Amicorum, Nicholas Charbit, ed., Concurrences, New York, 2020.

“Raising Rivals’ Costs by Customer Diversion: The Case of Airline Baggage Fees,” with P. Wang, Journal of International Economics and Business, v. 17, Issue 3, 2020.

“You Say You Want an Antitrust Revolution? The Paradox of Modern Merger Control,” Antitrust Bulletin, Summer 2020.

“The ‘antitrust revolution’ and *The Antitrust Revolution: A perspective from the inside*,” with L.J. White, Antitrust Bulletin, Summer 2020.

“Merger Remedies: Firm Incentives versus Agency Objectives,” in Remedies in EU Competition Law: Substance, Process, and Policy, Damien Gerard and Assimakis Komninos, eds. Wolters Kluwer, 2020.

“Second Thoughts on Double Marginalization,” with Margaret Slade, Antitrust, Spring 2020.

“Strategic Responses to Competitive Threats: Airlines in Action,” with B. Batkeyev, Review of Industrial Organization, February 2019.

“Non-Price Effects of Mergers: Issues and Evidence,” with S. Kilpatrick, Antitrust Bulletin, April 2018

“The Effects of Mergers on Innovation: Economic Framework and Empirical Evidence,” in The Roles of Innovation in Competition Law Analysis, Paul Nihoul and Pieter Van Cleynenbreuge, eds., Edward Elgar, 2018.

“The Structural Presumption and the Safe Harbor in Merger Review: False Positives or Unwarranted Concerns?” Antitrust Law Journal, December 2017

“Merger Remedies: An Incentives/Constraints Framework,” Antitrust Bulletin, June 2017

“From the Fringe to the Forefront: Low-Cost Carriers and Airline Price Determination,” with K. Hearle and P. Alepin, Review of Industrial Organization, March 2016.

“The Changing Nature of Efficiencies in Mergers and in Merger Analysis,” Antitrust Bulletin, September 2015.

“Predicting Merger Outcomes: The Accuracy of Stock Market Event Studies, Market Structure Characteristics, and Agency Decisions,” with C. Gu, Journal of Law & Economics, August 2015.

“Structure, Conduct, Policy, and Performance: The ‘Simple Model’ of F. M. Scherer,” Journal of Industrial and Business Economics, March 2014.

“Rockonomics: The Ticketmaster-Live Nation Merger and the Rock Concert Business,” in The Antitrust Revolution, J. Kwoka and L. White, eds., 2014, revised 2019

“Does Merger Control Work? A Retrospective on U.S. Enforcement Actions and Merger Outcomes,” Antitrust Law Journal, v. 78, n. 3, 2013.

“Behavioral Merger Remedies: Evaluation and Implications for Antitrust Enforcement,” with Diana Moss, Antitrust Bulletin, December 2012

“Mergers That Eliminate Potential Competition,” Research Handbook on the Economics of Antitrust Laws, Einer Elhauge, ed., Edward Elgar, 2012.

“Reflections on the Tenth Anniversary of the Antitrust and Regulatory Update,” Review of Industrial Organization, December 2011

“The Cost Structure of Regional Transmission Organizations,” with Daniel Greenfield, Energy Journal, v. 32, n., 2011.

“Price Spikes in Energy Markets: ‘Business by Usual Methods’ or Strategic Withholding?” with Vladlena Sabodash, Review of Industrial Organization, May 2011.

“The Price Effect of Eliminating Potential Competition: Evidence from an Airline Merger,” with Evgenia Shumilkina, Journal of Industrial Economics, December 2010.

“Incentive Regulation, Service Quality and Standards in U.S. Electricity Distribution,” with Anna Ter-Martiroyan, Journal of Regulatory Economics, December 2010.

“Do Mergers Improve Efficiency? Evidence from Restructuring the U.S. Electric Power Sector,” with Michael Pollitt, International Journal of Industrial Organization, November 2010.

“Divestiture Policy and Operating Efficiency in U.S. Electric Power Distribution,” with Michael Pollitt and Sanem Sergici, Journal of Regulatory Economics, June 2010.

“Competition Policy and the Transition to a Low-Carbon, Efficient Electricity Industry,” with Diana Moss, Electricity Journal, August-September 2010.

“The U.S. Auto Industry Under Duress: Fit, or Finished?” Competition Policy International, Autumn 2009.

“Restructuring the U.S. Electric Power Sector: A Review of Recent Studies,” Review of Industrial Organization, May 2008.

“Eliminating Potential Competition,” Issues in Competition Law and Policy, Dale Collins, ed., American Bar Association, 2008.

“The Proposed Merger of United Airlines and US Airways,” in A Revolucao do Antitruste no Brasil, Cesar Mattos, ed., Sao Paulo, Editora Singular, 2<sup>nd</sup> ed., 2008 (Portuguese).

“Making Markets Work,” with Kamen Madjarov, Electricity Journal, November 2007.

“F.M. Scherer,” in Pioneers of Industrial Organization, W.G. Shepherd and H. W. de Jong, eds., Edward Elgar, 2007.

“The Role of Competition in Natural Monopoly: Costs, Public Ownership, and Regulation,” Review of Industrial Organization, August-September 2006.

“Electric Power Distribution: Economies of Scale, Mergers, and Restructuring,” Applied Economics, Nov. 2005.

“The FTC and the Professions: A Quarter Century of Accomplishment and Some New Challenges,” Antitrust Law Journal, 2005.

“Networks and Natural Monopoly,” in Network Access, Regulation, and Antitrust, Diana Moss, ed., Routledge, 2005.

“Freight Railroads,” with L. J. White, in Network Access, Regulation, and Antitrust, Diana Moss, ed., Routledge, 2005.

“The Comparative Advantage of Public Ownership: Evidence from U.S. Electric Utilities,” Canadian Journal of Economics, May 2005.

“Dynamic Adjustment in the U.S. Higher Education Industry,” with Christopher Snyder, Review of Industrial Organization, May 2004.

“A Study in Merger Enforcement Transparency: The FTC’s Cruise Merger Decision and the Presumption Governing High Concentration Mergers,” with Warren Grimes, Antitrust Source, May 2003.

“The U.S. Automobile Industry: Overtaking an Oligopoly,” in Industry Studies, Larry Duetsch, ed., Prentice-Hall, 3<sup>rd</sup> ed., 2002; 2<sup>nd</sup> ed., 1998; 1<sup>st</sup> ed., 1993

"Twenty-five Years of Deregulation: Lessons for Electric Power," Loyola University Chicago Law Journal, Summer 2002.

"Governance Alternatives and Pricing in the U.S. Electric Power Industry," Journal of Law, Economics, & Organization, April 2002.

"Vertical Economies in Electric Power: Evidence on Integration and Its Alternatives," International Journal of Industrial Organization, May 2002

"Non-Incumbent Competition: Mergers Involving Constraining and Prospective Competitors," Case Western Reserve Law Review, Fall 2001.

"Automobiles: The Old Economy Meets the New," Review of Industrial Organization, August 2001.

"The New Industrial Organization and Small Business," with L. J. White, Small Business Economics, February 2001.

"Commitment to Competition: An Assessment of Antitrust Enforcement Budgets," IOS Presidential Address, Review of Industrial Organization, June 1999.

"Manifest Destiny? The Union Pacific-Southern Pacific Railroad Merger," in The Antitrust Revolution, with L. J. White, 4<sup>th</sup> ed., 2004; 3<sup>rd</sup> ed., 1999.

"Herfindahl Concentration with an Import Fringe and with Supply Constraints," Review of Industrial Organization, August 1998.

"Transforming Power: Lessons from British Electricity Restructuring," Regulation, Summer 1997

"The Price Effects of Bidding Conspiracies: Evidence from Real Estate Auction 'Knockouts'," Antitrust Bulletin, Summer 1997.

"Altering the Product Life Cycle of Consumer Durables: The Case of Minivans," Managerial and Decision Economics, January/February 1996.

"The Sales and Competitive Effects of Styling and Advertising Practices in the U.S. Automobile Industry," Review of Economics and Statistics, November 1993.

"Implementing Price Caps in Telecommunications," Journal of Policy Analysis and Management, Fall 1993.

"Regulation and Deregulation American Style," Sosyal Bilimler Dergisi, Fall 1993

"The Effects of Divestiture, Privatization, and Competition on Productivity in U.S. and U.K. Telecommunications," Review of Industrial Organization, no. 1, 1993

"The Effects of Divestiture, Privatization, and Competition on Productivity in U.S. and U.K. Telecommunications: A Briefer Reply," in Review of Industrial Organization, 1993.

"Market Segmentation by Price/Quality Schedules: Some Evidence from Automobiles," Journal of Business, October 1992.

"The Output and Profit Effects of Horizontal Joint Ventures," Journal of Industrial Economics, September 1992.

"The American Antitrust Revolution," Consumer Policy Review, July 1992.

"Price Squeezes in Electric Power: The New Battle of Concord," Electricity Journal, June 1992.

"Productivity and Price Caps in Telecommunications," in Price Caps and Incentive Regulation in Telecommunications, M. Einhorn, ed., Kluwer, 1991.

"Price Cap Reform in Telecommunications: A Penny Saved..." Regulation, Winter 1991.

"The Effect of Market Growth and Contraction on Industry Price-Cost Margins," Eastern Economic Journal, July-September 1990.

"The Private Profitability of Horizontal Mergers with Non-Cournot and Maverick Behavior," International Journal of Industrial Organization, Fall 1989.

"International Joint Venture: General Motors and Toyota," in The Antitrust Revolution, J. Kwoka and L.J. White, eds. Scott, Foresman, 1989; 2nd ed., HarperCollins, 1994.

"Design Criteria for Incentive Regulation," in Report of D.C. Public Service Commission on Symposium, "Competition and the Regulation of Telecommunications Services in the District of Columbia," December 1988.

"Accounting for Losses: The Great Detroit Newspaper War," Journal of Media Economics, Fall 1988.

"Cooperation vs. Rivalry: Price-Cost Margins by Line of Business," with David Ravenscraft, Economica, August 1986.

"Efficiencies, Failing Firms, and Alternatives to Merger: A Policy Synthesis," with Frederick R. Warren-Boulton, Antitrust Bulletin, Summer 1986.



- "Messy Merger Guidelines: A Comment," Antitrust Law and Economics Review, 1986
- "The Herfindahl Index in Theory and Practice," Antitrust Bulletin, Winter 1985.
- "Markets: A Magical Mystery Tour of Current Policy," Society, November/December 1984; reprinted in Thomas Swartz and Frank Bonello, Taking Sides (Duskin, 1986).
- "Market Power and Market Change in the U.S. Automobile Industry," Journal of Industrial Economics, June 1984.
- "Market Share Distribution and Industry Performance: A Reply," Review of Economics and Statistics, May 1984.
- "Output and Allocative Efficiency Under Second-Degree Price Discrimination," Economic Inquiry, April 1984.
- "Advertising and the Price and Quality of Optometric Services," American Economic Review, March 1984.
- "The Limits of Market-Oriented Regulatory Techniques: The Case of Automotive Fuel Economy," Quarterly Journal of Economics, November 1983.
- "Self-Regulation in Optometry: The Impact on Price and Quality," with R. Bond, J. Phelan, and I. Whitten, Law and Human Behavior, Vol. 7, Nos. 2/3, 1983.
- "Monopoly, Plant, and Union Effects on Manufacturing Wages," Industrial and Labor Relations Review, January 1983.
- \_\_\_\_\_, reprinted (in Spanish) in El Mercado de Trabajo y la Estructura Salarial, Centro de Publicaciones, Ministerio de Trabajo y Seguridad Social, Madrid, 1988.
- "Regularity and Diversity of Firm Size Distributions in U.S. Industries," Journal of Economics and Business, October 1982.
- "Does the Choice of Concentration Measure Really Matter?" Journal of Industrial Economics, June 1981.
- Effect of Restrictions on Advertising and Commercial Practice in the Professions: The Case of Optometry, with R. Bond, J. Phelan, and I. Whitten, FTC Staff Report, September 1980.
- "Establishment Size, Wages, and Job Satisfaction: The Trade-offs," in The Economics of Firm Size, Market Structure and Social Performance, Conference Proceedings, Federal Trade Commission, July 1980.

"EIS Market Share Data: Nature, Reliability, and Uses," Antitrust Law Journal, Vol. 47, No. 3, 1979.

"The Effect of Market Share Distribution on Industry Performance," Review of Economics and Statistics, February 1979.

\_\_\_\_\_, excerpt in Donald Watson and Malcolm Getz, Price Theory in Action, (Houghton Mifflin, 1981).

Market Shares, Concentration, and Competition in Manufacturing Industries. FTC Staff Report, August 1978.

"Regional Distribution of the 'Subsidy' Under Federal Milk Market Regulation," in Farm Size and Regional Distribution of the Benefit Under Federal Milk Market Regulation. FTC Staff Report by David R. Fronk, May 1978.

"Pricing Under Federal Milk Market Regulation," Economic Inquiry, July 1977.

"Large Firm Dominance and Price-Cost Margins in Manufacturing Industries," Southern Economic Journal, July 1977.

"The Organization of Work: A Conceptual Framework," Social Science Quarterly, December 1976.

"Federal Milk Market Regulation: The Multiple Pricing System," Proceedings, Conference on Milk Prices and the Market System, Community Nutrition Institute, Washington, D.C., January 1976.

"Optimal Policy When Effects on Distribution are Unknown," with James C. Ohls, Public Finance Quarterly, April 1975.

#### **Book Reviews:**

Economics of Beer, edited by Johan Swinnen, Journal of Wine Economics, 2013.

Mergers and Productivity, edited by Steven Kaplan, in the Journal of Economic Literature, June 2002.

Costs and Productivity in Automobile Production: The Challenge of Japanese Efficiency by Melvyn Fuss and Leonard Waverman, in Review of Industrial Organization, June 1994.

The Economics and Regulation of United States Newspapers by Stephen Lacy and Todd Simon, in Journal of Media Economics, no. 1, 1994.

Profits and the Stability of Monopoly by M. A. Utton, in The Antitrust Bulletin, Summer 1987.

The Japanese Automobile Industry by Michael Cusumano, in Journal of Economic History, June 1987.

Industrial Organization by Kenneth Clarkson and Roger Miller, in Antitrust Law and Economics Review, 1985 (No. 3).

Power and Market: Government and Economy by Murray Rothbard, in Southern Economic Journal, October 1978.

**Policy Essays:**

“Fix It or Forget It: A ‘No-Remedies’ Policy for Merger Enforcement,” with Spencer Waller, CPI Antitrust Chronicle, August 2021

“Competition—and Competition Policy—in Digital Markets: The House Report,” with Tommaso Valletti, Competition Policy International, January 2021.

“Unscrambling the Eggs: Merger Control in the New Administration,” with Tommaso Valletti, Concurrences, January 2021.

“Merger Remedies: Firm Incentives vs. Agency Objectives,” in Remedies in EU Competition Law, D. Gerard and A. Komninos, eds, Wolters Kluwer, 2020

“Conduct Remedies, with 2020 Hindsight: Have We Learned Anything in the Last Decade?” CPI Chronicle, 2020

“Restoring Antitrust, Restoring Competition,” CPI Chronicle, October 2019

“Competitive Edge: Structural Presumption in U.S. Merger Control Policy Would Strengthen Modern Antitrust Enforcement,” Washington Center for Equitable Growth, 2018

“Mergers, Merger Control, and Remedies: A Response to the Vita-Osinski Critique,” Antitrust Law Journal, 2018

“U.S. Antitrust and Competition Policy amid the New Merger Wave,” Washington Center for Equitable Growth, July 2017

“Squaring the Deal,” Milken Institute Review, 4<sup>th</sup> Quarter, 2017

“Evidence-Based Policy in Antitrust: The Need for Ongoing Merger Retrospectives,”

with M. Jarsulic, *ProMarket*, 2017.

“One-and-a-Half Cheers for the New FTC Remedies Study,” ssrn, 2017

“Mergers, Merger Control, and Remedies: A Response to the FTC Critique,” ssrn 2017

“Resetting Merger Policy in the New Administration,” with J. Farrell, Concurrences, 2016.

**Monographs (not otherwise published):**

“The Direct Costs and Benefits of US Electric Utility Divestitures,” with T. Triebs and M. Pollitt, EPRG Working Paper 1024, Cambridge University, Sept. 2010.

“Investment Adequacy Under Incentive Regulation,” Northeastern University Department of Economics Working Paper 09-001

“The Attack on Antitrust Policy and Consumer Welfare: A Response to Crandall and Winston,” Northeastern University Department of Economics Working Paper 03-008, June 2003

“Dynamic Adjustment in the Higher Education Industry, 1955-1997,” with Christopher Snyder, Northeastern University Department of Economics Working Paper 03-007, May 2003

“Unilateral Withholding: Market Power and California’s Electricity Crisis,” GWU Center for Economic Research Discussion Paper 01-01, May 2001

“Price Caps for Postal Service: Some Lessons and Some Limits,” GWU Center for Economic Research Discussion Paper 00-03, April 2000

“The Industrial Organization and Small Business,” with L. White, GWU Center for Economic Research Discussion Paper 00-02, March 2000

"Reform of the Electric Power Sector in Britain," GWU Center for Economic Research Discussion Paper 96-02, December 1996.

"The Origins and Purpose of Public Enterprise," GWU Center for Economic Research Discussion Paper 96-01, December 1996

"Privatization, Deregulation, and Competition: A Survey of Effects on Economic Performance," World Bank PSD Occasional Paper No. 27, September 1996.

"Policy and Productivity in the U.S. and U.K. Telecommunications Industries," GWU Department of Economics Discussion Paper D-9004, April 1990.

"Regulation American-Style: Heavy-Handed, Light-Handed, and (Sometimes) Off-Handed," March 1990.

"Unleashing Market Forces: Lessons from Deregulation of U.S. Industry," February 1990.

"Accounting for Losses: The Great Detroit Newspaper War," GWU Department of Economics Discussion Paper D-8809, February 1988.

"Antitrust Policy and Foreign Competition," GWU Department of Economics Discussion Paper D-8711, November 1984.

## **OTHER**

Jerry S. Cohen Award for Best Structural Competition Article, 2019

Issue Editor, "Airline Deregulation," Review of Industrial Organization, February 2019

AAI Award for Best Antitrust Book of the Year, 2016

Jerry S. Cohen Award for Antitrust Scholarship, 2014

ABA Antitrust Section Economics Grant Program recipient, 2012-13

Distinguished Service Award (first), Industrial Organization Society, 2012

Principle organizer and Chair of Local Organizing Committee, International Industrial Organization Conferences, Northeastern University, alternate years since 2003

Award for Meritorious Service, Federal Trade Commission, 1980

Numerous interviews, quotations, and references in business and popular press.

Appearances before congressional and state legislative bodies.

Pro bono work on antitrust and regulatory matters.

Membership in:

American Bar Association Antitrust Section

American Economic Association

European Association for Research in Industrial Economics

Industrial Organization Society

International Competition Network

Southern Economic Association

February 2022

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) John Kwoka	2. POSITION TITLE Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.00
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. § 304: Expert and Consultant Appointments, the assignee will serve as an Advisor and Chief Economist to the Chair, and act as a visionary leader on economic issues related to the FTC's law enforcement activities, and consumer protection and antitrust missions. The assignee will report to the Chair, and work together with staff and attorneys throughout the FTC to provide case support (investigation and litigation), policy research and development, competition and consumer advocacy, and, when needed, public outreach. The assignee will play an integral role in the Commission's strategic direction and advise the Chair and senior Commission leaders on economic issues required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing the areas of industrial organization, antitrust, and regulatory economics, the assignee will provide the Chair advice and analysis to inform FTC policy.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

John Kwoka is the Neal F. Finnegan Distinguished Professor of Economics at Northeastern University, where he teaches and conducts research in the areas of industrial organization, antitrust, and regulatory economics. His emphasis is on the application of economics to current policy issues in various industries. His other teaching interests include courses on the microeconomics of the financial crisis and on sports economics. Kwoka's recent research has focused on the effectiveness of merger policy in the U.S. Kwoka's most recent book on this subject CONTROLLING MERGERS AND MARKET POWER: A Program for Reviving Antitrust in America was just released by CPI Publishing. His earlier book, Mergers, Merger Control, and Remedies in the United States: A Retrospective Analysis was published in 2015 by MIT Press and won the Cohen Award for the Best Antitrust Book. He also co-edits The Antitrust Revolution, the leading casebook on recent antitrust cases. Kwoka has worked at the U.S. antitrust and regulatory agencies and has served as adviser or consultant to them and to those of other countries and international agencies.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Stephanie Nguyen	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Policy Planning	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD \_\_\_\_\_ DATE \_\_\_\_\_

Stephanie T. Nguyen

Digitally signed by Stephanie T. Nguyen  
Date: 2021.10.23 00:03:51 -0400

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

LORIELLE PANKEY

Digitally signed by LORIELLE PANKEY  
Date: 2021.10.25 07:14:49 -0400

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

DAVID ROBBINS

Digitally signed by DAVID ROBBINS  
Date: 2021.10.25 11:33:43 -0400

executive director

10/25/2021

16. I certify that: a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ \_\_\_\_\_ is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

VICKI BARBER

Digitally signed by VICKI BARBER  
Date: 2021.11.08 12:03:22 -0500

11/08/2021

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR JOHN KWOKA**

The FTC is amending the statement of duties (Box 5) on John Kwoka’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and limitations imposed on Mr. Kwoka’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Kwoka’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized in the following paragraph:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304, Expert and Consultant Appointments, the assignee will serve as an Advisor and Chief Economist to the Chair on economic issues related to the FTC’s law enforcement activities and antitrust missions. The assignee will bring a unique, outside perspective to the FTC’s work in (b)(7)(A) as well as the agency’s approach (b)(7)(A). His outside point of view will help broaden the FTC’s judgement on administrative, economic, and technical issues. His past scholarship, which demonstrates a comprehensive understanding of the need for (b)(7)(A) illustrates how his outside point of view will help the FTC (b)(7)(A) from a different viewpoint. The assignee will draw on his past research, writing and experiences in the merger review process in advising the Chair. Dr. Kwoka will also bring his outside perspective to the analysis of (b)(7)(A). (b)(7)(A) (b)(7)(A). Dr. Kwoka will work with staff in reviewing and revising the Bureau of Competition’s current approach to (b)(7)(A) With respect to (b)(7)(A) Dr. Kwoka will bring his expertise to bear on longstanding concerns about mergers that combine different products into a single “portfolio.” Dr. Kwoka will thus draw on current outside understanding to help the FTC invigorate, where appropriate, agency investigations of such mergers. Dr. Kwoka’s work will help ensure that the agency has the full benefit of a highly respected and independent outside point of view. Although the assignee will support policy development, he will not perform inherently governmental functions such as the determination of agency policy, do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

ELIZABETH  
WILKINS

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ELIZABETH WILKINS  
Date: 2022.08.25 21:52:32  
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Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

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MONIQUE FORTENBERRY  
Date: 2022.08.26 06:55:31  
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Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

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ROBBINS  
Date: 2022.08.26 07:06:42  
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David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

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Date: 2022.08.26  
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Lorielle L. Pankey  
Designated Agency Ethics Official



# Erik N. Martin

(b)(6)

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## EMPLOYMENT HISTORY

- Sep 2021 — Present      Technology Advisor, Federal Trade Commission      Washington, D.C.
- Serve as a subject matter expert and resource for staff and leadership on technology-related matters, by providing timely research, memos, review on staff materials, as well as expertise on building technology capacity in government. All matters worked on are vetted through FTC ethics and OGC.
- Jun 2021 — Sep 2021      Media Policy Advisor, Democracy Fund      Washington, D.C.
- Consultant for Democracy Fund's Digital Democracy Initiative, helping drive policy strategy and organizing Democracy Fund's Media Policy Working Group with a mission of addressing the collapse of local journalism and the future of public media and media policy.
- Oct 2019 — Aug 2022.      Senior Policy Advisor & Fellow, Federation of American Scientists      Washington, D.C.
- Managed the development of transition-focused science and technology policy materials, convening and working with hundreds of former government officials.
  - On professional leave / sabbatical for duration of FTC consultancy.
- Jul 2017 — Jun 2018      Senior Program Manager, Unity Technologies      San Francisco
- Built new programs from the ground up with Unity developers, product and business teams focused on education uses, working across a range of industries and regions, including the U.S., Europe, China, Australia, India, Singapore and Japan.
- Aug 2015 — Jan 2017      Policy Advisor, White House Office of Science and Technology      Washington, D.C.  
Policy (Obama Administration)
- Co-wrote the first memo to President Obama on virtual and augmented reality tech, and convened the first White House Summit on VR for Social Good.
  - Helped develop new federal regulations to reduce and rethink standardized testing under titles I Part A and Part B of the Every Student Succeeds Act to allow for greater technology innovation in assessments.
  - Ran the first White House E-Sport event with Twitch.TV to encourage people to get healthcare coverage ([link](#), [press coverage](#)).
  - Coordinated and held the first-ever meeting of Kid Science Advisors with President Obama ([link](#)).
  - Worked on a wide range of S&T initiatives, budget processes, and helped develop hundreds of new public and private-sector goals and commitments.
  - Drafted and edited numerous official blogs and fact sheets, examples [here](#), [here](#), [here](#), [here](#), and [here](#).
- May 2014 — May 2015      Digital Media Fellow, U.S. Department of Education      Washington, D.C.
- Co-organized the first White House Game Jam and the Department's Games for Learning Summit.

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## EDUCATION

- Oct 2018 — Oct 2019      MSc Social Science of the Internet, University of Oxford
- Studied on a University Clarendon Scholarship. Published thesis research [here](#).
- Aug 2012 — May 2016      BA New Media & Global Civics, University of Maryland, College Park

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) <b>Erik Martin</b>	2. POSITION TITLE Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will act as a Senior Technology Advisor, and serve as a visionary leader on policy and strategic initiatives that directly and indirectly affect Commission technology policy and operations. As an authority on and recognized expert in technology research, engineering, and User Experience Design (UX) design, the assignee will represent the Chief Technologist in conferences with senior Commission leaders, and provide advice on significant technology and related policy issues. The assignee will play an integral role in the Commission's strategic direction and advise senior Commission leaders on technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing major technology research, engineering, and or User Experience Design (UX) design initiatives, the assignee will provide the Chief Technologist advice and analysis to influence decisions regarding programs and policies that enhance the effectiveness of the commission's technology operations.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Erik previously served as a policy advisor at the White House Office of Science and Technology Policy (OSTP), in addition to serving as the Department of Energy, Department of Education, and in the U.S. House of Representatives. He studied at the Oxford Internet Institute as a Clarendon Scholar, where he conducted research on misinformation and disinformation in the media environment. Since then, he has advised on technology policy matters for the Day One Project and the Democracy Fund, where he has helped formulate and advance cutting-edge policy proposals at the intersection of technology, media, and democracy. Erik's experience and expertise, derived from his time across government and nonprofit organizations, will be critical to the FTC Chief Technologist's efforts to coordinate diverse stakeholders working to leverage technology in the public interest, facilitate strategic policy initiatives at the Commission to protect consumers in digital marketplaces, and build capacity for the agency to incorporate cutting-edge technology expertise into case teams through BC and BCP.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Erie Meyer, CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD \_\_\_\_\_ DATE \_\_\_\_\_

Erie Meyer

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

**LORIELLE PANKEY**

Digitally signed by LORIELLE PANKEY  
Date: 2021.09.08 16:13:51 -04'00'

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

**DAVID ROBBINS**

Digitally signed by DAVID ROBBINS  
Date: 2021.09.09 11:49:55 -04'00'

16. I certify that: a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

**VICKI BARBER**

Digitally signed by VICKI BARBER  
Date: 2021.11.04 14:24:48 -04'00'

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR ERIK MARTIN**

The FTC is amending the statement of duties (Box 5) on Erik Martin’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 4, 2021 to reflect the actual duties performed and the limitations imposed on Mr. Martin’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Martin’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized below.

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues, and act as an expert resource for staff and senior leadership. In particular, he will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. He will bring his expertise in immersive technology, information ecosystems, and building digital service tech teams to bear on several key project areas in which he would advise via written research and memos and review and support the advancement of work product which would include: (1) supporting Bureau staff on cases and enforcement matters, (2) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement, (3) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies and (4) providing expertise on digital service capacity building strategies. Given the assignee’s expertise, he will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, he will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

**ELIZABETH  
WILKINS**

Digitally signed by  
ELIZABETH WILKINS  
Date: 2022.08.26 12:55:05  
-04'00'

Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

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MONIQUE FORTENBERRY  
Date: 2022.08.26 15:27:56  
-04'00'

Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

Digitally signed by DAVID  
ROBBINS  
Date: 2022.08.26 14:16:08  
-04'00'

David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

Digitally signed by  
LORIELLE PANKEY  
Date: 2022.08.26  
15:41:32 -04'00'

Lorielle L. Pankey  
Designated Agency Ethics Official

# Varoon David Mathur

(b)(6)

## Employment

Department of Veterans Affairs <b>Presidential Innovation Fellow. Office of the Chief Technology Officer</b>	02/2022 – Present
Federal Trade Commission <b>Technology Advisor, Office of Policy Planning</b>	02/2022 – Present
The AI Now Institute at New York University, Tandon School of Engineering <b>AI and Health Systems Research Associate</b>	08/2020 – 12/2021
<b>Technology Fellow</b>	08/2018 – 08/2020
The Engelberg Center for Innovation Law and Policy at New York University <b>Research Fellow</b>	08/2020 – 08/2021
The University of British Columbia, Microsoft <b>Research Fellow Data Scientist for Social Good Fellow</b>	08/2020 – 08/2021

## Education

**The University of British Columbia**, Bachelor of Computer Science (2015 – 2018)

*Department of Computer Science, Computer Science*

Specialization: Machine Learning and Statistics

*UBC Lind Initiative in Global Inequality Scholar*

**Queen's University**, Bachelor of Science Honors (2011 – 2015)

*Department of Biomedical and Molecular Sciences, Life Sciences*

Thesis: "Cell-Free DNA as a Biomarker for Neurodegenerative Disease"

## Journal, Conference, and Workshop Papers

**Mathur, V.**, Lustig, C., and Kaziunas, E. (2022). *Disordering Datasets: Sociotechnical Misalignments in AI-Mediated Behavioural Health*. Proceedings of the 25th ACM Conference on Computer Supported Cooperative Work and Social Computing (CSCW).

**Mathur, V.**, Purkayastha, S., and Gichoya, J. W. (2020). *Artificial Intelligence for Global Health: Learning from a Decade of Digital Transformation in Health Care*. ICLR 2020 Workshop on Practical Machine Learning for Developing Countries.

Fried, G., **Mathur, V.**, Richardson, R., Schultz, J., Dobbe, R. (2020). *Assessing Civicscape: The Value of Applying Open Source Approaches Toward Algorithmic Decision System Accountability*. AI@Work 2020 Workshop.

Griffith, C., **Mathur, V.**, Lin, C., & Zhu, K. (2019). *Understanding Childhood Vulnerability in The City of Surrey*. arXiv preprint arXiv:1903.09639.

Greenberg, A., **Mathur, V.**, & Basey, M. (2016). *Global equity in biomedical research: Assessing research innovation, technology access and student empowerment to meet the world's most neglected health needs*. *Annals of Global Health*, 82(3), 540-541.

## Policy Papers

Crawford, Kate, Roel Dobbe, Theodora Dryer, Genevieve Fried, Ben Green, Elizabeth Kazianas, Amba Kak, **Varoon Mathur**, Erin McElroy, Andrea Nill Sánchez, Deborah Raji, Joy Lisi Rankin, Rashida Richardson, Jason Schultz, Sarah Myers West, and Meredith Whittaker. **AI Now 2019 Report**. New York: AI Now Institute, 2019, [https://ainowinstitute.org/AI\\_Now\\_2019\\_Report.html](https://ainowinstitute.org/AI_Now_2019_Report.html).

Rashida Richardson, ed., **"Confronting Black Boxes: A Shadow Report of the New York City Automated Decision System Task Force,"** AI Now Institute, December 4, 2019, <https://ainowinstitute.org/ads-shadowreport-2019.html>.

Whittaker, Meredith, Kate Crawford, Roel Dobbe, Genevieve Fried, Elizabeth Kazianas, **Varoon Mathur**, Sarah Myers West, Rashida Richardson, Jason Schultz, Oscar Schwartz. **AI Now 2018 Report**. New York: AI Now Institute, 2018, [https://ainowinstitute.org/AI\\_Now\\_2018\\_Report.pdf](https://ainowinstitute.org/AI_Now_2018_Report.pdf).

## Commentaries and Essays

*Invoking Bayh-Dole may be needed to get affordable Covid-19 treatments*, STAT. April 2, 2020.

*How to Interview a Tech Company*, Medium. September 17, 2019. (with Meredith Whittaker)

*Holding Public Research Universities to account on Global Health*, Canadian Medical Association Journal Blogs. October 23, 2017. (with Catherine Wicher)

*Inequality Explained: The trouble with pharmaceutical patents*, Open Canada. January 20, 2016. (with Andrés Delgado, Jonathan Nieman, Fernando Rodríguez, Sebastien Wen)

## Committee Hearing Testimony

New York City Council, Committee on Hospital and Committee on Technology, Joint Committee Hearing on "Oversight – Electronic Health Records". November 20, 2019. New York City, NY.

## Advisory Service

**Steering Committee Member**, *Building a Consumer Privacy Framework for Health Data*. Foundation for eHealth Initiative and the Center for Democracy & Technology (2020).

**Policy Advisor**, *AI, and Ethics Issue Brief*. Bipartisan Policy Center (2020).

## Selected Invited Talks

**Culture, Inclusion and Equity and Digital Health Action Collaboratives.**

*National Academy of Medicine*. August 18, 2021.

**Ethical, Legal, and Social Implications (ELSI) of machine learning in genomics.**

*NIH National Human Genome Research Institute*. April 13, 2021.

**How to Interview a Tech Company.**

*NYU Tandon School of Engineering*. February 11, 2021.

**Ethical Challenges Posed by Big Data for AI in Healthcare.**

*NYU Langone Health*. December 15, 2020.

**Spotlight: Science, Technology, and Research in COVID-19.**

*CogX*. November 25, 2020.

**Algorithms and AI: Achieving Algorithmic Fairness by Remediating Human Bias.**

*Albany Law School*. October 28, 2020.

**Tech Bias, AI, and COVID-19.**

*HLTH Virtual*. October 16, 2020.

**COVID-19, AI Algorithms and Privacy.**

*Library Freedom Institute*. September 24, 2020.

**Energizing Health: Unnecessary Bias? Equity with AI, Blockchain & VR.**

*SXSW*. March 18, 2020. (Virtual due to COVID-19)

**When Not to Design, Build, or Deploy.**

*ACM Fair and Transparent Machine Learning*. January 29, 2020.

**Ethics and AI: Know what you're building and why.**

*NYC AI Workshop*. October 26, 2019.

**Facial Recognition and AI.**

*Library Freedom Institute*. July 2, 2019.

### **Bias and Fairness in Machine Learning.**

*AG Tech Forum - Berkman Klein Center, Harvard University*. December 13, 2018.

### **Artificial Intelligence in Healthcare - The Need for Ethics.**

*TEDxUBC*. March 3, 2018.

## Press Coverage

"In scramble to respond to Covid-19, hospitals turned to models with high risk of bias", by Elise Reuter. *MedCity News*. April 21, 2021.

"People are fighting algorithms for a more just and equitable future. You can, too.", by Jack Morse. *Mashable*. September 4, 2020.

"Can I Opt Out of Facial Scans at the Airport?", by Aaron Sankin. *The Markup*. March 2, 2020.

"New surveillance AI can tell schools where students are and where they've been", by Rebecca Heilweil. *Vox Recode*. January 25, 2020.

"Activists Tell WHO Delegates: 'We Can't Afford To Wait. Our People Are Dying'", *Treatment Action Campaign*. May 25, 2016.

## Fellowships, Honors, and Awards

Engelberg Center Fellowship with the NYU School of Law  
2020

\$10,000 USD Fellowship Award

Microsoft Data Science for Social Good Fellowship.  
2018

\$5,000 USD Fellowship Award

Student of the Year, Universities Allied for Essential Medicines  
2016

Awarded annually to the top contributing student organizer

Dean's Honor List, Queen's University  
2011 - 2015

Awarded to all Undergraduate students with a GPA above 3.7



# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Varoon Mathur	2. POSITION TITLE Expert/Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP). In accordance with 5 C.F.R. § 304: Expert and Consultant Appointments, the assignee will act as a key source of technical expertise to facilitate visionary strategic initiatives related to the Commission's approach on governing emerging technologies. As an expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist, senior Commission leaders, and case teams, with particular focus on matters encompassing technology, engineering, artificial intelligence, and intersection and use of AI systems in the healthcare sector and labor issues. The assignee will help produce issue memos to the Chair's office and other senior leaders on issues such as privacy, competition, and ethics issues in retail platform technology, workplace management technology, healthcare management technology, and real-time 3D technology; help plan informational sessions for staff by identifying topics of interest, selecting relevant speakers, and moderating discussions; and support case teams by advising on technology -focused issues related to AI, such as by summarizing technical research that is relevant to the case or issue, and asking questions directly to engineers at target companies.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Varoon serves as a Research Fellow at the AI Now Institute, where he focuses on the social impact of artificial intelligence in areas such as criminal justice, worker rights, and health care. He has been working on projects that explore how machine learning tools are designed for health systems, and how power dynamics shape their development. Previously, Varoon served as a Microsoft Data Science for Social Good Fellow at the University of British Columbia, where he also earned his Computer Science degree with a focus in statistics. He also currently serves as a Coordinating Committee fellow with Universities Allied for Essential Medicines, a student-driven NGO focused on access to medicines for vulnerable and marginalized populations, where he has also led the development of a COVID-19 Public R&D tracking tool at publicmeds4covid.org. He has advised on global health policy and research at the World Health Organization, and is a former TEDx Speaker. Varoon brings important perspectives in areas that align with the Chair's priorities, including examining technology and antitrust through the lens of labor and workers' rights. This broad, interdisciplinary expertise that Varoon has developed position him to research and amplify emerging FTC efforts to ensure that regulated.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Stephanie Nguyen	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
--	--------------

## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD \_\_\_\_\_ DATE \_\_\_\_\_

STEPHANIE NGUYEN

Digitally signed by STEPHANIE NGUYEN  
Date: 2022.01.25 23:57:18 -0500'

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

LORIELLE PANKEY

Digitally signed by LORIELLE PANKEY  
Date: 2022.02.15 10:55:58 -0500'

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE DAVID ROBBINS	TITLE executive director	DATE 02/15/2022
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Digitally signed by DAVID ROBBINS  
Date: 2022.02.15 15:22:27 -0500'

16. I certify that: a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ \_\_\_\_\_ is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

SHARRELLE HIGGINS

Digitally signed by SHARRELLE HIGGINS  
Date: 2022.02.15 16:04:30 -0500'

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR VAROON MATHUR**

The FTC is amending the statement of duties (Box 5) on Varoon Mathur’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on February 15, 2022 to reflect the actual duties performed and the limitations imposed on Mr. Mathur’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Mathur’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized below.

The position is located in the Office of Policy Planning (OPP). In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will act as a key source of technical expertise on governing emerging technologies. As an expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist, senior Commission leaders, and case teams, with particular focus on matters encompassing technology, engineering, artificial intelligence, and intersection and use of AI systems in the healthcare sector and labor issues. The assignee will help produce issue memos to the Chair’s office and other senior leaders on issues such as privacy, competition, and ethics issues in retail platform technology, workplace management technology, healthcare management technology, and real-time 3D technology; help plan informational sessions for staff by identifying topics of interest, selecting relevant speakers, and moderating discussions; and support case teams by advising on technology-focused issues related to AI, such as by summarizing technical research that is relevant to the case or issue, and asking questions directly to engineers at target companies. Although the assignee will support policy development with expert technical perspective, he will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

**ELIZABETH  
WILKINS**

Digitally signed by  
ELIZABETH WILKINS  
Date: 2022.08.26 12:57:45  
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Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

Digitally signed by  
MONIQUE FORTENBERRY  
Date: 2022.08.26 15:26:38  
-04'00'

Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

Digitally signed by DAVID  
ROBBINS  
Date: 2022.08.26 14:19:31  
-04'00'

David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

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by LORIELLE  
PANKEY  
Date: 2022.08.26  
15:43:38 -04'00'

Lorielle L. Pankey  
Designated Agency Ethics Official

**ANDREA M. MATWYSHYN**

(b)(6)



Research interests: Technology law, health, and bodily safety; information security/cybersecurity and law; disinformation, infodemiology and AI/ML; consumer protection and intellectual property

I. EMPLOYMENT ..... 1

II. PUBLICATIONS ..... 7

III. EDUCATION ..... 12

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V. SELECTED COMMITTEES AND SERVICE ..... 14

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IX. GRANTS (where personal compensation resulted) ..... 29

X. SELECTED PRESS MENTIONS ..... 29

XI. PROFESSIONAL ACCREDITATION ..... 35

**I. EMPLOYMENT**

Current appointments: (primary appointments noted with \*\*)

July 2019 – present\*\* Professor, The Pennsylvania State University

- Joint appointment as tenured full professor in law and engineering

*Professor of Law and Engineering Policy, School of Law, The Pennsylvania State University (University Park) / Associate Dean of Innovation and Technology*

- Launched and externally funded Penn State law student technology policy research program and new technology policy lab, PILOT: \$500,000+ in corporate and private gifts

- Developed new interdisciplinary technology policy lab course
- Secured endowed \$1m+ individual gift and launched new gender and economic equity lab, the Anuncia Donecia Songsong Manglona Lab for Gender and Economic Equity
- LLM teaching award nomination for 2020-2021
- Supervised medical student research on health tech policy as part of joint MD/Masters in Law program

*Professor of Engineering Design, SEDTAPP, School of Engineering, The Pennsylvania State University*

*Founding Faculty Director, Penn State Policy Innovation Lab of Tomorrow (PILOT lab) – an interdisciplinary technology policy lab aimed at bridging the gap between academic research and the research needs of policymakers <https://www.pilotlab.org/>*

- Conceptualized, funded, branded, and launched lab, including website
- Set research direction for the lab
- Launched technology policy projects in nine areas: technology equity, Internet of Things/Internet of Bodies, disinformation, machine learning/AI, technology competition, security/privacy, technology history and governance, technology sustainability, and technology workforce development
- Manage team of post-docs, law and other graduate students, Penn State faculty affiliates, and external academic and industry affiliates

*Founding Faculty Director, Penn State Law Manglona Lab for Gender and Economic Equity (Manglona Lab), <https://www.manglonalab.org/>*

- Conceptualized, funded, branded, and launched lab, including website
- Set research direction for the lab
- Launched externship program for students interested in gender justice
- Chaired hiring committee for executive director to manage lab and launch litigation clinic
- Built initial roster of faculty affiliates across the university
- Supervise clinical professor/executive director in course offerings, research, and strategy-setting for future initiatives

*Affiliate Faculty, Bioethics Program, College of the Liberal Arts, Penn*

State <https://bioethics.psu.edu/people/andrea-m-matwyszyn-2/>

*Affiliate Faculty*, Institute for Computational Data Science, Penn State, <https://www.icds.psu.edu/about/meet-the-icds-team/directory/>

May 2022 –  
April 2023

*Senior Special Advisor on Law, Technology, and the Digital Economy*,  
U.S. Federal Trade Commission

October 2021 –  
present

*Research Scholar Advisory Committee Member*, Kluge Center, Library  
of Congress

September 2012 -  
present

*Affiliate Scholar*, Center for Internet and Society, Stanford Law School

- Participant in a group of scholars researching various technology policy issues

*Past academic and government appointments:*

September 2019 –  
August 2021

*Visiting Researcher*, Center for Internet and Society, French National  
Center for Scientific Research (CIS-CNRS), Sorbonne Université

- Nonresident collaboration on the PILOT lab Computer Herstory Project <https://cis.cnrs.fr/upr2000/equipe/>

September 2019 –  
August 2020

*Digital Studies Fellow*, Kluge Center, Library of Congress

- Resident researcher
- Project: constitutional foundations of information security for my article *Our Founding Hackers*

January 2015 -  
June 2019\*\*

*Professor of Law*, School of Law, Northeastern University

*Professor of Computer Science*, School of Computing and Information  
Science, Northeastern University (courtesy - as of Oct. 1, 2015)

*Founding Faculty Co-Director*, Center for Law, Innovation and Creativity  
(CLIC)

- Teaching: Internet Law, Information Security/ “Cybersecurity” and Privacy Law, Introduction to Intellectual Property, Contracts
- Research faculty sponsor: Community Business Clinic
- Service: Member of two hiring committees and faculty

scholarship promotion committee; Served as a legal subject matter expert reviewer for the DEFCON information security conference (the largest international computer security conference)

August 2018 –  
September 2018

*MacCormick Fellow*, University of Edinburgh School of Law

- Honorary visitorship awarded to senior academics viewed as leaders at the forefront of technology law
- Seminar: The Internet of (Artificially Intelligent) Bodies  
<https://www.youtube.com/watch?v=7Cs0yc9u-VE>

February 2017 –  
September 2019

*Senior Fellow*, Cyber Statecraft Initiative, Atlantic Council, Washington DC

- Nonresident affiliate of a policy think tank working on issues of corporate and national information security
- Talk: *The Internet of Bodies*  
<https://www.youtube.com/watch?v=bdqmCQc6oXY>

2016-2017

*Fulbright Commission US-UK Cyber Security Scholar* (sponsor: Oxford Cyber Security Capacity Centre)

- Fall 2016: in London collaborating with UK government and UK academics

August 2015 -  
August 2017

*Visiting Research Collaborator*, Center for Information Technology Policy, School of Public and International Affairs, Princeton University

- Nonresident research affiliate collaborating with a cross-disciplinary set of researchers at Princeton CITP on various technology policy matters.

January 2015 -  
July 2015

*Microsoft Visiting Professor of Information Technology Policy*, Center for Information Technology Policy, School of Public and International Affairs/Computer Science, Princeton University

- Honorary visitorship awarded to senior academics viewed as leaders at the forefront of technology policy
- Taught Internet Law and Policy
- Led a team of computer scientists in successfully petitioning the Copyright Office for an exemption to Section 1201 of the Digital Millennium Copyright Act to allow security testing of all

- consumer devices, including election systems and medical devices
- Organized conference on law and physical harms from information security failures.  
<https://citp.princeton.edu/event/trusting/>
- September 2014 – December 2014      *Visiting Researcher*, Center for Information Technology Policy, School of Public and International Affairs Princeton University
- December 2013- August 2014      *Senior Policy Advisor and Scholar in Residence*, U.S. Federal Trade Commission (FTC), <http://1.usa.gov/18KxYha>
- Advised FTC Commissioners and career staff in OPP and BCP on various technology policy issues, in particular corporate data security and privacy
  - Built relationship between the FTC and the DEFCON security conference -  
<https://www.forbes.com/sites/kashmirhill/2014/08/21/the-ftcs-controversial-battle-to-force-companies-to-protect-your-data/?sh=390f43ce140f>
  - Co-led a team of attorneys who ran an innovation contest under the America Competes Act at DEFCON
- August 2007 – July 2014\*\*      *Assistant Professor*, Legal Studies and Business Ethics, The Wharton School, University of Pennsylvania
- Taught various business law courses, including Securities Regulation, Marketing Law, and Internet Law
- Faculty Affiliate*, Center for Technology, Innovation and Competition, School of Law, University of Pennsylvania
- Fall 2012      *Visiting Professor*, Notre Dame Law School
- Taught secured transactions and information security law
- Summer 2011      *Visiting Scholar*, Oxford Internet Institute, University of Oxford
- March 2011      *Visiting Scholar*, Indian School of Business
- June 2009      *Visiting Scholar*, Singapore Management University School of Law
- August 2005 - June 2007\*\*      *Assistant Professor*, Levin College of Law, University of Florida
- Taught information security law, internet law, and contracts



*Founding Faculty Director*, ICAIR Center for Information Research (research center across the law, business and engineering schools), University of Florida

- Ran conferences and speaker series on technology and innovation law topics including corporate information governance and privacy and security issues.

August 2003 –  
June 2005\*\*

*Clinical Assistant Professor and Assistant Director*, Small Business Opportunity Entrepreneurship Center, School of Law/ Kellogg Graduate School of Management, Northwestern University

- Taught doctrinal class on e-commerce regulation; co-taught clinic corporate law/technology entrepreneurship class at Northwestern Law
- Guest lecturer in various Kellogg classes
- Supervised student representations of technology entrepreneurs

*Faculty Affiliate*, NICO – Northwestern University Institute on Complex Systems, Northwestern University

*Faculty Affiliate*, Technology and Social Behavior Program, School of Communications, Northwestern University

December 2003

*Visiting Research Fellow*, AHRB Centre for Studies in Intellectual Property and Technology Law, School of Law, University of Edinburgh

January 2003 -  
July 2008

*Affiliate*, Centre for Economics and Policy (now Centre for Industry and Government), Institute for Manufacturing, School of Engineering, University of Cambridge

*Past law practice:*

Represented corporate clients in mergers and acquisitions, securities regulation matters, technology transactions, and licensing

August 2001 -  
July 2003

*Associate*, Corporate and Securities group, Dykema (formerly Schwartz, Cooper), Chicago

August 1999 -  
July 2001

*Associate*, Corporate and Securities group, Neal, Gerber and Eisenberg, Chicago, IL

Summer 1997

*Summer Associate*, Neal Gerber and Eisenberg, Chicago, IL

## II. PUBLICATIONS

### A. Books

Andrea M. MATWYSHYN, *HARBORING DATA: INFORMATION SECURITY, LAW AND THE CORPORATION*, Stanford University Press (2009) (editor and contributor).

Andrea M. Matwyshyn & Stephanie K. Pell, (CYBER)SECURITY LAW AND POLICY: AN INTRODUCTION TO PROBLEMS IN COMPUTER AND INFORMATION SECURITY (forthcoming 2022).

- Funded by a grant from the Hewlett Foundation
- Dynamic edition with interactive visual and auditory content
- Author of chapters on health security, finance security, technical history, and others

### B. Major Law Journal Articles

Andrea M. Matwyshyn and Miranda Mowbray, *Fake*, 42 *CARDOZO LAW REVIEW* 101 (2021)

Andrea M. Matwyshyn, *The Internet of Bodies*, 61 *WILLIAM & MARY LAW REVIEW* 77 (2019).

- Credited with originating the concept of IoB by World Economic Forum, Rand Corporation, International Association of Privacy Professionals
- Impact: derivative policy reports on IoB from World Economic Forum and Rand Corporation, IoB named top tech trend for 2020 by IEEE.

Andrea M. Matwyshyn and Stephanie K. Pell, *Broken*, 32 *HARVARD JOURNAL OF LAW & TECHNOLOGY* 479 (2019).

Andrea M. Matwyshyn, *CYBER!*, 2017 *BYU LAW REVIEW* 1109 (2018).

Andrea M. Matwyshyn, *Privacy, the Hacker Way*, 87 *SOUTHERN CALIFORNIA LAW REVIEW* 1 (2014).

Andrea M. Matwyshyn, *Hacking Speech: Informational Speech and the First Amendment*, 107 *NORTHWESTERN LAW REVIEW* 795 (2013).

- Selected for republication in ROD SMOLLA (ED.), *FIRST AMENDMENT LAW HANDBOOK* (Thompson Reuters West compendium of the year's most notable law review First Amendment scholarship)

Andrea M. Matwyshyn, *The Law of the Zebra*, 28 BERKELEY TECHNOLOGY LAW JOURNAL 1 (2013).

Andrea M. Matwyshyn, *Generation C: Childhood, Code, and Creativity*, 87 NOTRE DAME LAW REVIEW 1979 (2012).

Andrea M. Matwyshyn, *Hidden Engines of Destruction: The Reasonable Expectation of Code Safety and the Duty to Warn in Digital Products*, 62 FLORIDA LAW REVIEW 1 (2010).

Andrea M. Matwyshyn, *Imagining the Intangible*, 34 DELAWARE JOURNAL OF CORPORATE LAW 3 (2009).

Andrea M. Matwyshyn, *Technoconsen(t)sus*, 85 WASHINGTON UNIVERSITY LAW REVIEW 529 (2007).

Andrea M. Matwyshyn, *Material Vulnerabilities: Data Privacy, Corporate Information Security and Securities Regulation*, 3 BERKELEY BUSINESS LAW JOURNAL 129 (2005).

Andrea M. Matwyshyn, *Of Nodes and Power Laws: A Network Theory Approach to Internet Jurisdiction through Data Privacy*, 98 NORTHWESTERN LAW REVIEW 493 (2004).

### **C. Computer Science Articles and Conference Proceedings**

David Brumley, Robert Cunningham, Chris Dalton, Erik Debenedektis, Flavia Dinca, William G Dubyak, Nigel Edwards, Rhett Hernandez, Bill Horne, Brian David Johnson, Aleksandar Mastilovic, Andrea M. Matwyshyn, Avi Mendelson, Dejan Milojicic, Katie Moussouris, Adrian L. Shaw, Barry Shoop, Trung Tran, Mike Walker, *Artificial Intelligence and Machine Learning Applied to Cybersecurity*, IEEE SPECTRUM (2018).

Lilian Edwards, Andrea M. Matwyshyn, *Twitter (R)evolution: Privacy, Free Speech and Disclosure*, Proceedings of International World Wide Web Conference, May 13–17, 2013, Rio de Janeiro, Brazil in WWW 2013 Companion (ACM 978-1-4503-2038-2/13/05).

Andrea M. Matwyshyn, Salvatore Stolfo, Angelos Keromytis, Ang Cui, *Ethics in Security Vulnerability Research*, 8 IEEE SECURITY & PRIVACY 2 (2010).

### **D. Other Articles**

Andrea M. Matwyshyn, *Unavailable*, 81 UNIVERSITY OF PITTSBURGH LAW REVIEW 349 (2019).

Andrea M. Matwyshyn, *Cyber Harder*, 24 BOSTON UNIVERSITY JOURNAL OF SCIENCE AND TECHNOLOGY LAW 450 (2018).

Andrea M. Matwyshyn, *The 'Internet of Bodies' Is Here. Are Courts and Regulators Ready?*, Wall Street Journal, November 12, 2018, <https://www.wsj.com/articles/the-internet-of-bodies-is-here-are-courts-and-regulators-ready-1542039566>

Comm. Terrell McSweeney and Andrea M. Matwyshyn, *Hackback in black*, The Hill, Nov. 6, 2017, <http://thehill.com/blogs/congress-blog/technology/358896-hackback-in-black>.

Andrea M. Matwyshyn, *The Big Security Mistakes Companies Make When Buying Tech*, Wall Street Journal, March 13, 2017, <https://www.wsj.com/articles/the-big-security-mistakes-companies-make-when-buying-tech-1489372011>

Andrea M. Matwyshyn, *Resilience: Building Better Users and Fair Trade Practices in Information*, 63 FEDERAL COMMUNICATIONS LAW JOURNAL 391 (2011).

Andrea M. Matwyshyn, *CSR and the Corporate Cyborg: Ethical Corporate Information Security Practices*, 88 JOURNAL OF BUSINESS ETHICS 579 (2010).

Andrea M. Matwyshyn, *Corporate Cyborgs and Technology Risks*, 11 MINNESOTA JOURNAL OF LAW, SCIENCE & TECHNOLOGY 573 (2010).

Andrea M. Matwyshyn, *Data Devolution: Corporate Information Security, Consumers and the Future of Regulation*, Introduction to symposium, CHICAGO KENT LAW REVIEW (2009).

Andrea M. Matwyshyn, *Technology, Commerce, Development, Identity*, 8 MINNESOTA JOURNAL OF LAW, SCIENCE & TECHNOLOGY 515 (2007).

Andrea M. Matwyshyn, *Penetrating the Zombie Collective: Spam as an International Security Issue*, 4 SCRIPTed (2006).

Andrea M. Matwyshyn, *Silicon Ceilings: Information Technology Equity, the Digital Divide and the Gender Gap Among Information Technology Professionals*, 2 NORTHWESTERN JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY 1 (2004).

#### ***E. Journal Discussions, Reviews, Commentaries, and Posters***

Andrea M. Matwyshyn, *Discussion of "Online Display Advertising: Targeting and Obtrusiveness"* by Avi Goldfarb and Catherine Tucker, 30 MARKETING SCIENCE 409 (2011).

Andrea M. Matwyshyn, *Behavioural Targeting of Online Advertisements and the Future of Data Protection*, 19 COMPUTERS AND LAW 6 (2009).

Andrea M. Matwyshyn, Book review: Ian Kerr, Valerie Steeves, Carole Lucock (Eds.), LESSONS FROM THE IDENTITY TRAIL (2009), 3 IDIS 363 (2009).

Andrea M. Matwyshyn, *Organizational Code: A Complexity Theory Perspective on Technology and Intellectual Property Regulation*, FOREWORD, 11 J. TECH. L. & POL'Y 1 (2006).

Andrea M. Matwyshyn, *Content Analysis of Comer SDP Plans*, poster in Slaughter-Defoe, D. (Organizer and Convener), et. al. Poster Symposium: Examining outcomes of the Chicago Comer SDP: School climate and child well-being. Poster Symposium presented at the biennial meeting of the Society for Research in Child Development, Minneapolis, MN (2001).

#### **F. Book Chapters**

Andrea M. Matwyshyn, *Fair(er) Legal Futures*, SANDRA STAUB (ED.), DESIGN CONSEQUENCES (2022). (forthcoming)

Andrea M. Matwyshyn, *Of Pandemics and Progress*, in MARGARET HU (ED.), PANDEMIC SURVEILLANCE (2022). (forthcoming)

Andrea M. Matwyshyn, *The New Intermediation: Contract, Identity and the Future of Internet Governance*, in IAN BROWN (ed.), RESEARCH HANDBOOK ON GOVERNANCE OF THE INTERNET, Edward Elgar (2013).

Andrea M. Matwyshyn, *Commentary: Social Media, Privacy and Children's Development*, in DIANA T. SLAUGHTER-DEFOE, RACE AND CHILD DEVELOPMENT, Karger (2012).

Andrea M. Matwyshyn, *Mutually Assured Protection: Toward Development of Relational Internet Data Security and Privacy Contracting Norms*, in ANUPAM CHANDER, LAUREN GELMAN, MARGARET RADIN (EDS.), SECURING PRIVACY IN THE INTERNET AGE, Stanford University Press (2008).

Stephen M. Foxman, Andrea M. Matwyshyn, *Chapter 10*, in KEVIN CRONIN ET AL. WEST TREATISE ON DATA SECURITY AND PRIVACY LAW: COMBATING CYBERTHREATS, West-Thompson (2006).

### **G. Written Symposia Organization and Editing**

*Data Devolution: Corporate Information Security, Consumers and the Future of Regulation*, CHICAGO KENT LAW REVIEW (2009).

### **H. Work in Progress**

Andrea M. Matwyshyn, *Superspreaders* (follow-on law review article to *Fake*)

Andrea M. Matwyshyn, *Suspect* (follow-on law review article to *Internet of Bodies*)

Andrea M. Matwyshyn, *The Internet of Latour's Things* (follow-on law review article to *Internet of Bodies*)

Andrea M. Matwyshyn, *Artifice and Intelligence* (law review article)

Andrea M. Matwyshyn, *iTrust Antitrust* (law review article)

Andrea M. Matwyshyn, *Our Founding Hackers* (law review article)

Book: THE INTERNET OF BODIES – Book project expanding on my law review articles *The Internet of Bodies*, *The Internet of Suspect Bodies*, and *The Internet of Latour's Things*

Book: FAKE (with Miranda Mowbray) – Book project expanding on my law review articles *Fake* and *Superspreaders*

## **III. EDUCATION**

Ph.D., Human Development and Social Policy (applied developmental psychology), 2005, Northwestern University

Thesis topic: Individual level determinants of teens' interest in technology entrepreneurship and careers

J.D. with Honors, 1999, Northwestern University School of Law

Graduate Certificate, Comparative and International Studies (now Comparative and Historical Social Science), 1999, Northwestern University

Masters-level interdisciplinary graduate degree available in connection with a primary doctorate, <http://www.bcics.northwestern.edu/groups/chss/>

Graduate Certificate, Gender Studies, 1999, Northwestern University

Masters-level graduate degree available in connection with a primary doctorate,  
<http://www.genderstudies.northwestern.edu/graduate/requirements.html>

M.A., International Relations, 1996, Northwestern University

Thesis topic: U.S. nuclear weapons policy and post-USSR denuclearization strategy

B.A. with Honors, 1996, Northwestern University

Major: Political Science, Adjunct major: International Studies

#### **IV. COURSES TAUGHT**

##### ***A. Law Courses***

*PILOT lab course*, Penn State Law/Engineering, Spring 2022, Spring 2021, Fall 2020

*Information Security Law and Policy*, Penn State School of Law, Spring 2022, Spring 2021, Fall 2020

*Introduction to Intellectual Property*, Northeastern University School of Law, Winter 2016, Summer 2018

*Information Security and Privacy Law and Policy*, Northeastern University School of Law, Fall 2015, Winter 2017, Fall 2017, Summer 2018

*Internet Law and Policy*, Northeastern University School of Law, Fall 2015, Winter 2017, Fall 2017

*Contracts*, Northeastern University School of Law, Winter 2017, Winter 2018; University of Florida, School of Law, Spring 2006, Fall 2006

*Marketing and Advertising Law*, University of Pennsylvania, School of Law/Wharton School, Fall 2012, Fall 2013

*Securities Regulation*, University of Pennsylvania, School of Law/Wharton School, Spring 2010, Spring 2011, Spring 2012, Spring 2013, Fall 2013

*Commercial Privacy and Information Security Regulation*, Notre Dame Law School, Fall 2011

*Secured Transactions*, Notre Dame Law School, Fall 2011

*Corporate Information Security Law*, University of Florida School of Law, Spring 2007

*Internet and E-Commerce Regulation*, University of Florida, School of Law, Fall 2005, Spring 2007

*International Electronic Commerce Regulation*, Northwestern University School of Law, Spring 2004 and Spring 2005

*Small Business Opportunity Entrepreneurship class and clinical supervision*, Northwestern University, Kellogg Graduate School of Management/ School of Law, Fall 2003-Spring 2005

*Structuring Corporate Transactions: Information Technology Transactions*, Northwestern University, Kellogg/ School of Law, Fall 2002

### ***B. Engineering/Computer Science Courses***

*PILOT lab course*, Penn State Law/Engineering, Winter 2022, Winter 2021, Fall 2020

*Internet Law and Policy*, Princeton University, Center for Information Technology Policy, Spring 2015

*Basic Information Security: Technology, Business and Law*, Northwestern University, Department of Computer Science, Fall 2005

### ***C. Undergraduate Law and Policy Courses***

*Internet Law and Policy*, Princeton University, Center for Information Technology Policy, Spring 2015

*Intro to Legal Studies (Business Law 101)*, regular and honors section – introduction to corporate law, University of Pennsylvania, Wharton School, Fall, 2007, Spring 2008, Fall 2008, Spring 2009, Fall 2009, Spring 2010, Fall 2010

*Internet Law and Policy*, University of Pennsylvania, Wharton School, Fall 2012

*Basic Information Security: Technology, Business and Law*, Northwestern University, Department of Computer Science, Fall 2005

*Political Economy of Social Policy*, Northwestern University, School of Education and Social Policy, Winter 1998



#### ***D. MBA Courses***

*Securities Regulation*, University of Pennsylvania, Wharton School, Spring 2010, Spring 2011, Spring 2012, Spring 2013, Fall 2013

*Marketing and Advertising Law*, University of Pennsylvania, Wharton School, Fall 2012, Fall 2013

#### ***E. Executive Education Courses***

*Google Exec Ed, 10x program*, University of Pennsylvania, Wharton School (one session), Summer 2013

*Securities Regulation* (8-week course), University of Pennsylvania, Wharton School, Spring 2013

- Intensive course for officer-level Chinese executives

*Social Media and Client Communications* (individual 3-hour sessions), FINRA/University of Pennsylvania, Wharton School, Fall 2012, Spring 2011

- FINRA continuing education program for financial professionals

### **V. SELECTED COMMITTEES AND SERVICE**

Chair, Hiring Committee, Manglona Lab, Penn State Law (2020-2021)

Member, University AI Director Hiring Committee, Penn State, (2020-2021)

Chair, Affiliate Faculty Committee, Penn State Law (2020-2021)

Hiring Committee, Law Policy & Engineering, Penn State Engineering (2018-2021)

University Technology Committee, Penn State, (2019-2020)

Faculty Co-Director, Center for Law, Innovation, and Creativity, Northeastern University School of Law (2016- 2019)

Research Faculty Sponsor, Entrepreneurship and Innovation Law Clinic, Northeastern University School of Law (2017- 2019)

Faculty Scholarship Committee, Northeastern University School of Law (2017-2018)

Development Hiring Committee, Northeastern University School of Law (2017-2018)

Curriculum Committee, Northeastern University School of Law (2015-2016)

Admissions Committee, Northeastern University School of Law (2015-2016)

Regularly interviewed by *Knowledge@Wharton* for various publications about topics of interest to the business community related to technology and innovation and my scholarship - source for 100+ articles, 2007-2013 <http://bit.ly/YagKBm>

Legal Studies & Business Ethics Department, Practice Professor Promotions, 2012-2013

University of Pennsylvania, University Committee on CCTV, 2009-2010, 2010-2011

Legal Studies & Business Ethics Department, Faculty Recruitment Committee, 2008-2009

Legal Studies & Business Ethics Department, Faculty Climate Committee, 2008-2009

Legal Studies & Business Ethics Department, PhD Admissions Committee, 2008-2009

## **VI. SELECTED KEYNOTES AND PRESENTATIONS**

### ***A. Keynotes and Annual Lectures***

“Blockchain(s),” Pennsylvania Supreme Court annual retreat, Bedford Springs, Pennsylvania, June 2021

“iTrust Antitrust,” University of Sussex, CIGR Annual Conference, London, May 2019

“The Internet of (Artificially Intelligent) Bodies, University of Sussex, Sussex, May 2019

“The Internet of (Artificially Intelligent) Bodies, MacCormick Lecture, University of Edinburgh, September 2018

“The Internet of Bodies,” Atlantic Council, Washington DC, September 2017

“The Internet of Bodies,” Society for Computers and Law, Real Business Issues for Tech Lawyers, London, June 2017

“Technology Innovation and its Legal Implications,” European Commission, International Conference on Internet Science, Brussels, May 2015

“Information Governance,” SOURCE Boston, April 2014

“Information Stewardship and Innovation,” European Commission, International Conference on Internet Science, Brussels, April 2013

“The Future of Information Security Regulation,” University of Virginia Law School, February 2008

### ***B. Conference and Speaker Series Organization***

TECHNOTONOMY, May 2021, <https://www.pilotlab2.org/technotonomy>

PILOT LAB CARBON NEUTRAL SPEAKER SERIES— ongoing <https://www.pilotlab.org/carbon-neutral-speaker-series>

“PANDEMIC SURVEILLANCE: PRIVACY, SECURITY, AND DATA ETHICS” (jointly with Duke Kenan Ethics Center and Internet Research Institute, Brazil), November 2020.

DISINFOTOPIA, April 2020, <https://www.pilotlab.org/disinfotopia>

CONNECTED FUTURES, Northeastern University, June 2017 (co-organizer and moderator)

GIKII: All Your Internet Thing Are Belong to Us, London, September 2016

TRUSTING HUMAN SAFETY TO SOFTWARE: WHAT COULD POSSIBLY GO WRONG?, Center for Information Technology Policy, Princeton University, November 2014

PRIVACY LAW SPEAKER SERIES, U.S. Federal Trade Commission, Spring-Summer 2014

INVISIBLE HARMS, Wharton School, University of Pennsylvania, November 2013

INFORMATION SECURITY BEST PRACTICES, conference organizer, University of Pennsylvania, The Wharton School, January 2009

TECHNOLOGY LAW SPEAKER SERIES, University of Florida Law School, Fall 2006-Spring 2007

DATA DEVOLUTION: INFORMATION SECURITY AND CONSUMER PROTECTION, University of Florida Law School, January 2006

### ***C. Selected Presentations – Law and Social Science***

“Fake,” Seton Hall School of Law, November 2021

“Fairer Legal Futures,” Design Futures, Penn State Architecture, September 2021

“Trust Antitrust,” Technotomy: Infodemic Edition, Sussex Law/Penn State Law, May 2021

Panelist, “Framing and Defining Digital Privacy + Security,” Technically Right, Duke Law School/ Penn State, November 2020

Panelist, “It’s All in Your Head,” panel on internet-enabled brain devices, ABA Annual Conference, October 2020

Panelist, “Disruptive Technologies Legal Summit,” Winston & Strawn, October 2020

Panelist, “Election Security in the 2020 Election,” LPE, Penn State, October 2020

Panelist, “Conduct of Election,” panel, Kluge Center, Library of Congress, September 2020

“Internet of (Best) Bodies,” CDRH, FDA, September 2020

Panelist, “Transparency and Explainability in AI Healthcare Standardization,” FDA, September 2020

“Internet of Best Bodies,” Gikii, University of Maastricht, July 2020

“Internet of Suspect Bodies,” PLSC, June 2020

“Fake,” Disinfotopia, Sussex Law/ Penn State Law, April 2020

Panelist, Council of Europe, Convention 108+, November 19, 2019

“Fake,” Gikii, Queen Mary’s, August 2019

“Internet of Bodies,” Digital Medicine Symposium, Harvard Business School, May 2019

Commenter, Privacy Law Scholars Conference, UC Berkeley, May 2019

“Internet of Bodies,” Digital Health conference, School of Law, Northeastern University, April 2019

“Competition and Intermediation,” School of Journalism/School of Law, University of Missouri, April 2019

“Unavailable,” Network neutrality conference, School of Law, University of Pittsburgh, March 2019

“Internet of Bodies,” JIGL conference, School of Law, Notre Dame, March 2019

Invited Participant, CyberMed Summit, School of Medicine, University of Arizona, December 2018

Invited Participant, AI/ML in Security workshop, IEEE, Virginia, November 2018

Panelist, Botnet Takedowns panel, CYCON, West Point, November 2018

Panelist, Security and Privacy panel, Silicon Flatirons conference, University of Colorado, November 2018

Invited Participant, Law and Technology Workshop, Levin College of Law, University of Florida, October 2018

“The Internet of (Artificially Intelligent) Bodies,” Computer Science/ School of Law, Boston University, October 2018

“Internet of Bodies,” School of Law, Penn State, October 2018

“Artifice and Intelligence,” Cornell Tech, September 2018

“Artifice and Intelligence,” Gikii Conference, University of Vienna, September 2018

“Internet of Bodies,” School of Law, University of Iceland, June 2018

“Broken,” Privacy Law Scholars Conference, George Washington Law, June 2018

“Internet of Bodies,” ASU School of Law, May 2018

“Internet of Bodies,” NYU, April 2018

“Artifice and Intelligence,” Seton Hall Law School, April 2018

“Internet of Bodies,” Lastowka Workshop, Washington and Lee Law School, April 2018

“Internet of Bodies,” Yale Cyber Leadership Forum, Yale Law School, April 2018

“Internet of Bodies,” Computer Science, Notre Dame, March 2018

“Internet of Bodies,” Boston University School of Law, February 2018

“Internet of (Vulnerable) Bodies,” panel organizer and moderator, CPDP, Brussels, January 2018

“CYBER!,” Information Society Project, Yale Law School, November 2017

“Internet of Bodies,” University of Albany Law School, October 2017

“Internet of Bodies,” West Point, August 2017

“Internet of Bodies,” Interdisciplinary Summer School, Nijmegen, June 2017

“The Internet of Things,” Federal Judicial Center, Magistrates Conference, Portland, April 2017

“Internet of Bodies,” Cyberlaw Scholars Workshop, Villanova Law, January 2017

“Internet of Bodies,” University of Edinburgh Law, November 2016

“Internet of Bodies,” University of Sussex Law, October 2016

Panel Moderator, “Public-Private Bug Bounty Best Practices,” CyCon US, West Point, October 2016

“Internet of Bodies,” West Point, August 2016

“Internet of Bodies,” Privacy Law Scholars, June 2016

“CYBER!,” West Point, April 2016

“CYBER!,” Georgetown Law School, November 2015

“Next Generation FCC Consumer Protection: Data Stewardship,” Federal Communications Commission, August 2015

“Privacy and Information Security Class Actions,” guest lecture in Economics of the Internet course, Department of Economics, Princeton University, November 2014

“Generation C: “Hacker” Children and the Future of Innovation,” University of Ottawa, School of Law, October 2014

Panelist, “Medical Privacy, Mobile Devices and the Future of Identity,” 2014 Health Privacy Summit, Georgetown Law School, June 2014

“Information Security and Public-Private Divides,” Suffolk Law School, April 2014

Information security roundtable participant, Berkman Center, Harvard Law School, April 2014

“Information Security and Public-Private Divides,” University of Georgia Law School, March 2014

“Privacy, the Hacker Way,” Northeastern Law School, March 2014

“Safety Secrets,” Trade Secret Scholars conference, University of Florida, February 2014

“Information Security and the Internet of Things,” AALS, January 2014

“Hacker-Children and the Role of Parents,” AALS, January 2014

“Information Security Regulation and Iteration,” Notre Dame Law School, October 2013

“Information Security, Mobile Health and the Internet of Things,” Mobile Health Exploratory Seminar, Harvard Law School, September 2013

“Talking Data,” Cardozo Law School, Intellectual Property Scholars Conference, August 2013

“The Future of Information Security Regulation,” eCommerce Best Practices, Stanford Law School, June 2013

“Hacking Speech,” Free Expression Scholars, Yale Law School, April 2013

“Bankrupting Privacy,” Internet Law Works in Progress, Santa Clara Law School, March 2013

“Social Media Privacy,” JTIP Symposium, Northwestern University Law School, March 2013

“Hacking and the Future of the CFAA,” Rutgers Law School, March 2013

“Code and Creativity,” Works in Progress in Intellectual Property, Seton Hall Law School, February 2013

“Bankrupting Privacy,” Cyberlaw Workshop, Villanova Law School, February 2013

“Code and Creativity,” IP Scholars Workshop, New York University Law School, January 2013

“Hacking Speech,” Annenberg School, University of Pennsylvania, October 2012

“Developments in U.S. Privacy and Information Security Law Enforcement,” Society for Computers and Law, London, September 2012

“Privacy by Contract, the First Amendment, and the US Privacy Bill of Rights, EU Excellence in Internet and Network Science Workshop, University of Oslo, August 2012

“Code, Creativity and Identity,” EU Excellence in Internet and Network Science Summer School (UK), Oxford Internet Institute, August 2012

“Generation C: Children, Code and Creativity,” Intellectual Property Law Scholars Conference, Stanford Law School, August 2012

“Bankrupt Promises,” (retitled Bankrupting Privacy) Privacy Law Scholars workshop, GW Law School, June 2012

Panelist, “Mobile Technologies and Information Security,” Fordham Law School/Federal Judicial Center, March 2012

“Generation C: Children, Code and Creativity,” Wharton School, March 2012

“Hacking Privacy,” Notre Dame Law School, March 2012

“Digital Childhood,” Monash University Faculty of Law, February 2012

“Digital Childhood,” Symposium on Innovation in Education, Notre Dame Law School, November 2011

“Essential Breaches: Contract and Computer Intrusion,” Notre Dame Law School, October 2011

“Computer Intrusion post 9/11,” Symposium on Post 9/11 Legislative Change, Notre Dame Law School, October 2011

“Trends in US Consumer Protection and Internet Privacy,” Society for Computers and Law, London, September 2011

“Privacy Defaults,” OBA Policy Forum, University of Edinburgh, July 2011

“Virtual Childhood,” Gikii, IT University, Gothenburg, June 2011

Roundtable participant, Digital Policy Issues for the New Communications Bill, Oxford Internet Institute, June 2011

“Digital Childhood,” Gikii, University of Gothenberg, June 2011

“Digital Childhood,” Privacy Law Scholars, University of California, Berkeley, May 2011

“(Techno)Essentializing Breach,” Santa Clara Law School, March 2011

“(Techno)Essentializing Breach,” Rutgers University School of Law, February 2011

“Contract and Privacy,” University of Florida School of Law, February 2011

“Contract and Privacy,” Boston University School of Law, February 2011

“(Techno)Essentializing Breach,” Wharton School, Legal Studies and Business Ethics Department, University of Pennsylvania, January 2011

“(Techno)Essentializing Breach,” Wharton Media Scholars Workshop, December 2010

“Contract and Privacy,” Temple Law School, November 2010



“Authorized Access,” Gikii, University of Edinburgh School of Law, June 2010

“Corporate Cyborgs and Augmented Minds,” Computers, Freedom, Privacy, June 2010

“Information Capital,” Privacy Law Scholars conference, George Washington School of Law/ UC Berkeley School of Law, June 2010

“Building Better Users,” Rough Consensus and Running Code conference, University of Pennsylvania Law School, May 2010

“Corporate Cyborgs and Consumer Information,” College of Arts and Sciences Faculty Preceptorial – at student invitation, University of Pennsylvania, May 2010

“Authorized Access,” Case Western Reserve University School of Law, May 2010 “Information Capital,” Cyberlaw workshop, University of Puerto Rico/ University of Ottawa School of Law, January 2010

“Bourdieu and Data Privacy,” Legal Studies & Business Ethics Department, University of Pennsylvania, Wharton School, October 2009

“Third Party Beneficiaries and Information Security,” Gikii, University of Amsterdam School of Law, September 2009

“Bourdieu and Data Privacy,” IP Scholars conference, Cardozo Law School / UC Berkeley School of Law/ Stanford Law School, August 2009

“U.S. Information Security Regulation,” Singapore Management University School of Law, June 2009

“Bourdieu and Data Privacy,” SoGikii, University of New South Wales, June 2009

“Duties of Code Safety,” workshop on DRM, Federal Trade Commission, March 2009

Information Security Panel, Wharton Interactive Media Initiative conference, Panel organizer and moderator, University of Pennsylvania, Wharton School, January 2009

Corporate Cyborg,” Internet Policy Lunch, University of Pennsylvania, Annenberg School, January 2009

“Corporate Cyborg,” Telecom Colloquium, University of Pennsylvania, Legal Studies and Business Ethics, Wharton School, December 2008

“Corporate Cyborg,” GIKII, Oxford Internet Institute, University of Oxford, September 2008

“Behavioral Advertising and Datamining,” Society for Computers and Law, London, September 2008

“Symbolic Harms: Information Security and Duties to Warn,” Law and Society, May 2008

Charismatic Content panel, Computers, Freedom, Privacy, Panel organizer and moderator, Yale University School of Law, May 2008

“The Future of Information Security Regulation,” American Association of Law Schools, January 2008

“Symbolic Harms: Information Security and the First Amendment,” University of Pennsylvania, Wharton School, November 2007

“Black Collar Crime: Information Security and the Changing Nature of Information Crime,” GIKII, University College of London, September 2007

“Corporate Cyborgs and Information Security,” Society for Computers and Law, London, September 2007

“Corporate Cyborgs and Information Security,” International Law and Society, Berlin, July 2007

“Information Security Law and Strategy,” Supernova, San Francisco, June 2007

“Corporate Information Assets and Data Breach Regulation,” SMU Dedman School of Law, February 2007

“Technoconsen(t)sus,” University of Pennsylvania, Wharton School, December 2006

“Technoconsen(t)sus,” University of Washington School of Law, December 2006

“Technoconsen(t)sus,” Case Western Reserve University School of Law, November 2006

“Technoconsen(t)sus,” University of Ottawa School of Law, October 2006

“A Network Theory Perspective on Information Security Regulation,” University of Illinois School of Law, March 2006

“Penetrating the Zombie Collective: Spam as an International Security Issue,” University of Oxford, September 2005

“Spyware in Comparative International Regulatory Context,” University of Edinburgh School of Law, September 2005

“Enterprise Risk Management and Technology Business,” Northwestern University, Kellogg Graduate School of Management, August 2005

“Spam and International Security,” Law and Society, Las Vegas, June 2005

“Material Vulnerabilities: Data Privacy, Corporate Information Security and Securities Regulation,” Northwestern University School of Law, January 2005

“Corporate Information Security Risk Management and Regulation in International Context,” Northwestern University, Kellogg Graduate School of Management, August 2004

“Constructing Tools of Development: Open Source Licensing and Developer Self-realization,” UC Berkeley Law School/ Cardozo Law School/ DePaul Law School, August 2004

“Enterprise Risk Management and Entrepreneurship,” Northwestern University, Kellogg Graduate School of Management, July 2004

“Enterprise Risk Management, Legal Complexity and Internet Security Contracting,” Northwestern University, Kellogg Graduate School of Management, June 2004

“Legal Entrepreneurship Resources and Enterprise Risk Management,” Northwestern University, Kellogg Graduate School of Management, April 2004

“Ethical Enterprise Risk Management,” Midwest Business Association Administration Conference, March 2004

“Business Data Collection, Regulating Children’s Privacy Online and Human Development,” Northwestern University, School of Communications, March 2004

“Mutually Assured Protection: Development of Relational Internet Data Security Contracting Norms,” Stanford Law School, March 2004

“Managing Information Security in the International Marketplace,” moderator of Digital Frontier Conference panel, Northwestern University, Kellogg Graduate School of Management, January 2004

“Enterprise Risk Management and Information Security,” Intellectual Property Law Week panel moderator, Northwestern University School of Law, January 2004

“Comparative EU-US Internet Privacy and Jurisdiction Regulation,” University of Edinburgh School of Law, December 2003

“Enterprise Risk Management and Legal Strategy for High Tech Entities,” Northwestern

University, Kellogg Graduate School of Management, November 2003

“Comparative EU-US Privacy Regulation,” University of Oxford, August 2003

“Corporate Privacy and Security Auditing,” Association of Internal Auditors, March 2003

“Russian e-Commerce and U.S. Business,” Northwestern University School of Law, February 2003

“Internet Privacy and Total Information Awareness,” Northwestern University School of Law, January 2003

“U.S. Small Business and the Internet,” Northwestern University School of Law, September 2002

“Information Technology Implications of Health Data Privacy,” Northwestern University School of Law, April 2002

“Entrepreneurship Online: Small Business e-Commerce Considerations,” Northwestern University School of Law, January 2002

“International e-Commerce Privacy Considerations,” Northwestern University School of Law, August 2001

“Internet Law in Australia and New Zealand,” Northwestern University School of Law, January 2001

#### ***D. Selected Presentations – Computer Science/ Technology Industry***

Panelist, The Jetsons are Here!, Executive Women’s Forum, October 2021

Panelist, Cloud Security and Healthtech panel, Biohacking Village, DEFCON 2021

Ethics Village, Law track organizer and presenter, DEFCON 2020

<https://www.pilotlab.org/defcon2020>

Ethics Village, Law track organizer and presenter, DEFCON 2019

“Security, Safety, and the Internet of Things,” (with CPSC Comm. Kaye), Shmoocoon, January 2019

“The Internet of Bodies,” panel organizer and moderator, DEFCON Biohacking Village, August 2018 (panelists: Commissioner Rebecca Slaughter (FTC), Dr. Suzanne Schwarts (FDA), Prof. Stephanie Pell (West Point))

“Broken,” DEFCON Ethics Village, August 2018

“Broken,” EstesCon, Colorado, April 2018

“Broken,” NarwahlCon, Las Vegas, July 2017

“Meet the Fed,” panel organizer and moderator, DEFCON, July 2017

“Generation C: Hacker Children and the Future of Innovation,” BSidesLV, August 2016

“CYBER!,” RVASec, June 2016

“Generation C: “Hacker” Children and the Future of Innovation,” CITP, Princeton University, February 2015

“Bitcoin Regulation,” guest lecture in Bitcoin and Cryptocurrency Technologies, Department of Computer Science, Princeton University, October 2014

“Top Technology Entrepreneurship Mistakes,” guest lecture in Advanced Programming Techniques, Department of Computer Science, Princeton University

“U.S. Regulation of Information Security,” Inaugural conference of Global Centre for Cybersecurity Capacity, University of Oxford, November 2013

“Information Security and Privacy Law: Past, Present and Future,” Department of Computer Science, NYU Poly, August 2013

*“Hacking Speech,”* USENIX Security, EVT workshop, August 2013

“Hacked Up: Reforming the Computer Fraud and Abuse Act,” DEFCON Skytalks, Las Vegas, August 2013

“Catawampus: Initial Filings and the CFAA,” BSidesLV, Las Vegas, August 2013

“Twitter (R)evolution: Privacy, Free Speech and Disclosure,” WWW2013, Rio, May 2013

“Database Anonymization and Data Protection in the U.S.,” Department of Computer Science, University of Auckland, February 2012

“Safe(r) Code and the Cyborg User,” Microsoft Corporation, Hyderabad, March 2011

Panel moderator, Information Security panel, Supernova Conference, June 2008

“Vulnerable Data and Legal Standards of Due Care,” University of Illinois at Chicago, Department of Information and Decision Sciences, March 2005

“Information Security Negligence,” RSA 2005, San Francisco, February 2005

“Enterprise Risk Management for Information Technology Manufacturers”, Centre for Economics and Policy, School of Engineering, University of Cambridge, November 2003

“Introduction to Corporate Information Security Law,” Black Hat, July 2003

“Intellectual Property Development and Protection,” ACM, Chicago Chapter, May 2003

## **VII. SELECTED CONGRESSIONAL TESTIMONY AND OTHER GOVERNMENT SERVICE**

Federal Trade Commission, advisory expert (2013-2014; 2022-2023)

Kluge Center, Library of Congress, Research Scholar Advisory Committee Member (ongoing)

U.S. Food and Drug Administration, Consulting Expert, CDRH, 2019-2021

Consumer Product Safety Commission, Presenter, hearing into machine learning and consumer safety, May 2021

[Redacted agency], [Redacted enforcement matter], consulting expert in enforcement action (2020)

Copyright Office, Library of Congress, 2020-2021 Renewal application for (previously granted) DMCA Section 1201 Consumer Product Security Research Exemption granted in 2014-2015 Triennial Review Process and first renewed in 2017-2018

Council of Europe, Speaker, Convention 108+, November 19, 2019

Consumer Product Safety Commission, Testimony, *The Internet of Things and Consumer Products Hazards*, May 2018, <https://www.youtube.com/watch?v=-YSDEkWuxUo>

Copyright Office, Library of Congress, Filing expressing neither opposition nor support for Class 10 proposed exemption to DMCA Section 1201 during 2017-2018 Triennial Rulemaking Process , [https://www.copyright.gov/1201/2018/comments-031418/class10/Class\\_10\\_Reply\\_Joint\\_Security\\_Researchers.pdf](https://www.copyright.gov/1201/2018/comments-031418/class10/Class_10_Reply_Joint_Security_Researchers.pdf)

Copyright Office, Library of Congress, 2017-2018 Renewal application for (previously granted) DMCA Section 1201 Consumer Product Security Research Exemption granted in 2014-2015 Triennial Review Process – renewal recommended by Copyright Office, <https://www.regulations.gov/document?D=COLC-2017https://www.regulations.gov/document?D=COLC-2017-0007-00700007-0070>

Copyright Office, Library of Congress, Attorney of record representing computer science academics (Profs. Steve Bellovin, Matt Blaze, Alex Halderman, Nadia Heninger) in successful 2014-2015 DMCA Section 1201 Triennial Rulemaking Process petition obtaining a broad security research exemption for consumer products [http://copyright.gov/1201/2014/petitions/Bellovin\\_1201\\_Intial\\_Submission\\_2014.pdf](http://copyright.gov/1201/2014/petitions/Bellovin_1201_Intial_Submission_2014.pdf) (exemption granted on 10/28/2015)

United States House of Representatives, Testimony, Homeland Security Committee, *Promoting and Incentivizing Cybersecurity Best Practices*, July 28, 2015, <https://homeland.house.gov/hearing/subcommittee-hearing-promoting-andhttps://homeland.house.gov/hearing/subcommittee-hearing-promoting-and-incentivizing-cybersecurity-best-practices/incentivizingcybersecurity-best-practices/>

U.S. Federal Trade Commission, Senior Policy Advisor and Scholar in Residence, Dec. 2013-August 2014, <http://1.usa.gov/18KxYha>

United States House of Representatives, Testimony, Energy and Commerce Committee, *Reporting Data Breaches: Is Federal Legislation Needed to Protect Consumers?*, July 18, 2013, <http://energycommerce.house.gov/hearing/reportinghttp://energycommerce.house.gov/hearing/reporting-data-breaches-federal-legislation-needed-protect-consumersdatabreachesfederal-legislation-needed-protect-consumers>

European Commission, *Cyborg Children and the “Vulnerable Consumer,”* Digital Agenda for Europe, Futurium project webinar, July 11, 2013, <https://ec.europa.eu/digitalagenda/futurium/en/content/norms-and-values-media-2030>

## **VIII. BOARD MEMBERSHIPS AND AFFILIATIONS**

IEEE Technology Predictions Team, 2018 - 2021

AALS Internet Law Section officer, 2017 - 2021

CFP Review Board, DEFCON security conference, 2016 – 2018

Jotwell legal blog, Contributor, 2017 - 2021

Editorial Board Member, Harvard Journal of Technology Science, 2015 - 2021

IEEE International Workshop on Privacy Engineering, program committee member, 2017

Reviewer, IEEE Security and Privacy, 2014 - 2021

Advisory Board Member, SCRIPT-ed, Technology Journal of University of Edinburgh School of Law, 2004 – 2021 <http://www.law.ed.ac.uk/ahrb/script-ed/about.asp>

Information Security and Privacy Interdisciplinary Research and Education program (INSPIRE), Center for Interdisciplinary Studies in Security and Privacy advisory board member, NYU- Poly, 2013 - 2015

EU Network of Excellence in Internet Science Advisory Board Member, Oxford Internet Institute, 2012 – 2015 <http://www.internet-science.eu/>

Reviewer, MARKETING SCIENCE, 2011

Reviewer, JURIMETRICS, American Bar Association/Arizona State University journal of technology and law, 2009

Reviewer, JOURNAL OF LAW, TECHNOLOGY AND POLICY, University of Illinois, 2010

## **IX. GRANTS** (where personal compensation resulted)

Hewlett Foundation, \$150,000, Fall 2019

- Co-authoring an information security law and policy textbook

University of Pennsylvania competitive internal grants

- Vice Provost Global Engagement Fund (with co-PI), Fall 2012 - \$25,000
- Zicklin Center research grants, Fall 2012, Fall 2007 - \$10,000

Microsoft Corp. Trustworthy Computing Curriculum Grant (with Co-PI), \$50,000, December 2004, <http://bit.ly/15SSXgP>

- Developed and taught a curriculum about information security and privacy law and policy, including medical device security and patient medical privacy.

## **X. SELECTED PRESS MENTIONS**

### ***A. Podcast Interviews (full length)***

Lawfare, June 28, 2022, <https://www.lawfareblog.com/lawfare-podcast-andrea-matwyshyn-and-dojs-new-cfaa-charging-policy>

Kara Swisher's Recode Decode, Vox, December 4, 2019, <https://soundcloud.com/recode-decode/andrea-matwyshyn-we-already>



Microsoft Corporation, Afternoon Cyber Tea with Ann Johnson, April 11, 2020, Part I: <http://admin.podcastone.com/episode/The-Internet-of-Bodies-Human-Potential-and-Security-Pitfalls-Part-1> and April 18, 2020, Part II: <http://admin.podcastone.com/episode/The-Internet-of-Bodies-Human-Potential-and-Security-Pitfalls-Part-2>

Michael Madison, Future Law Podcast, May 1, 2021, <https://podcasts.apple.com/us/podcast/ep-34-andrea-matwyszyn-penn-state-professor-law-innovation/id1434998089?i=1000519590744&l=tr>

### ***B. Press Relationships and Awards***

*Wall Street Journal* – opinion writer under contract

*Wharton Business News Radio, Knowledge@Wharton Sirius XM 111*, “Friend of the Show” – (2007-2020), commenting on information governance (security/privacy) issues, law, and corporate governance <https://businessradio.wharton.upenn.edu/>

*Washington Post* “The Network” member – commenting on information security and privacy policy and law

[https://www.washingtonpost.com/graphics/2018/politics/powerpost/thenetwork/?noredirect=on&utm\\_term=.d5de0d254dc1](https://www.washingtonpost.com/graphics/2018/politics/powerpost/thenetwork/?noredirect=on&utm_term=.d5de0d254dc1)

Named to *Cyberscoop* “Leet” List, 2018, <https://www.cyberscoop.com/2018-cyberscoop-leet-list/>

### ***C. Selected Individual Commentary***

*ABC News*

- Should Companies Be Required to Disclose Cyberattacks?, October 21, 2011, <http://abcnews.go.com/blogs/politics/2011/10/should-companies-be-required-to-disclose-cyberattacks/>

*BBC*

- Apple v Samsung patent verdict reconsidered in court, December 6, 2012, <http://www.bbc.co.uk/news/technology-20615376>
  - Samsung and Apple’s patent clash heads to trial by jury, July 30, 2012, <http://www.bbc.co.uk/news/technology-19022935>
- Yahoo sues Facebook over 10 disputed patents in the US, March 12, 2012, <http://www.bbc.com/news/technology-17345935>

- LG Signs Deal with Patent Giant Intellectual Ventures, November 8, 2011, <http://www.bbc.co.uk/news/technology-15644051>
- Amazon Reveals its Patent Suits are on the Rise, October 27, 2011, <http://www.bbc.co.uk/news/technology-15482508>

### *Bloomberg Press*

- Multiple appearances on Bloomberg Law radio show with June Grasso
- Internet 'Zombie' Threat Needs Killer Response, July 31, 2006, [http://www.bloomberg.com/apps/news?pid=20601039&sid=agfW9m.QSIXc&refer=columnist\\_hassett](http://www.bloomberg.com/apps/news?pid=20601039&sid=agfW9m.QSIXc&refer=columnist_hassett)
- Verizon First Amendment Challenge Of Net Neutrality Tests Century of Regulation, January 24, 2013, <http://www.bna.com/verizon-first-amendment-n17179872014/>

### *Businessweek*

- AT&T Hacker 'weev' Tests Limits of U.S. Crime Law on Website Use, June 17, 2013, <http://www.businessweek.com/news/2013-06-17/at-and-t-hacker-weev-tests-limits-of-u-dothttp://www.businessweek.com/news/2013-06-17/at-and-t-hacker-weev-tests-limits-of-u-dot-s-dot-crime-law-on-website-usesdot-crime-law-on-website-use>

### *CBS News*

- Social Media Policies Get More Lax Even For Corporate Executives, April 7, 2013, <http://philadelphia.cbslocal.com/2013/04/07/social-media-policies-get-more-laxhttp://philadelphia.cbslocal.com/2013/04/07/social-media-policies-get-more-lax-even-for-corporate-executives/evenforcorporate-executives/>

### *CBC*

- How Hollywood is fighting back against piracy, August 14, 2017, <http://www.cbc.ca/player/play/1024587843542>

### *CNBC*

- If Kalanick doesn't come back, then we know things are very bad, June 13, 2017, <https://www.cnbc.com/video/2017/06/13/if-kalanick-doesnt-come-back-then-we-know->

<https://www.cnn.com/video/2017/06/13/if-kalanick-doesnt-come-back-then-we-know-things-are-very-bad-marketplace.html>

- Google diversity memo sparks outrage, Aug 7, 2017, <https://www.cnn.com/video/2017/08/07/google-diversity-memo-sparks-outrage.html>

### *CNN*

- Can people actually own virtual property?, May 10, 2010, <http://edition.cnn.com/2010/TECH/05/10/virtual.property.second.life/>
- Can the law keep up with technology?, Nov. 17, 2009, [http://articles.cnn.com/2009-11-17/tech/law.technology\\_1\\_libel-digital-content-law-and-technology?\\_s=PM:TECH](http://articles.cnn.com/2009-11-17/tech/law.technology_1_libel-digital-content-law-and-technology?_s=PM:TECH)
- Will your privacy be compromised online?, September 28, 2009, <http://www.cnn.com/2009/TECH/09/28/online.security.tactics/index.html>
- Technology Posing Ethical Questions, September 25, 2008 <http://www.cnn.com/2008/BUSINESS/09/25/digital.ethics/index.html> *Financial Times*
- Glow wants to bring fertility tracking to the workplace, February 20, 2014, <http://www.ft.com/intl/cms/s/0/b485dcba-9a1d-11e3-823200144feab7de.html?siteedition=intl#axzz2wEAzD6OH>
  - [823200144feab7de.html?siteedition=intl#axzz2wEAzD6OH](http://www.ft.com/intl/cms/s/0/b485dcba-9a1d-11e3-823200144feab7de.html?siteedition=intl#axzz2wEAzD6OH)

### *Financial Times*

- Glow wants to bring fertility tracking to the workplace, February 20, 2014

### *Forbes*

- Facebook's Private Surprise, September 16, 2009, <http://www.forbes.com/2009/09/15/facebookprivacy-ponemon-technology-security-truste.html>
- Our Privacy, Your Business, August 2, 2009, <http://www.forbes.com/2009/08/02/andreamatwyshyn-defcon-technology><http://www.forbes.com/2009/08/02/andrea-matwyshyn-defcon-technology-security-matwyshyn.html>
- What Customer Data Should You Keep--And Toss?, March 19, 2009, <http://www.forbes.com/2009/03/19/heartland-payment-security-entrepreneurs><http://www.forbes.com/2009/03/19/heartland-payment-security-entrepreneurs-sales-marketing-security.html>
- Facebook Bows To Peer Pressure, February 18, 2009, <http://www.forbes.com/2009/02/18/facebook-privacy>[http://www.forbes.com/2009/02/18/facebook-privacy-internet-technology-internet\\_0218\\_facebook.html](http://www.forbes.com/2009/02/18/facebook-privacy-internet-technology-internet_0218_facebook.html)

*The New York Times*

Apps That Know What You Want, Before You Do, July 29, 2013,  
[http://www.nytimes.com/2013/07/30/technology/apps-that-know-what-you-want-before-you-do.html?emc=rss&partner=rss&\\_r=0](http://www.nytimes.com/2013/07/30/technology/apps-that-know-what-you-want-before-you-do.html?emc=rss&partner=rss&_r=0)

- Privacy, Please: This Is Only for the Two of Us, June 2, 2012,  
[http://www.nytimes.com/2012/06/03/technology/apps-aiming-for-sharing-withinboundaries.html?\\_r=1](http://www.nytimes.com/2012/06/03/technology/apps-aiming-for-sharing-withinboundaries.html?_r=1)
- Web Privacy on the Radar in Congress, New York Times, August 10, 2008,  
[http://www.nytimes.com/2008/08/11/technology/11privacy.html?\\_r=1&fta=y&pagewanted=all](http://www.nytimes.com/2008/08/11/technology/11privacy.html?_r=1&fta=y&pagewanted=all)

*Newsweek*

- The Cookie Crumbles: By banning online sales, are the Girl Scouts failing our daughters?, March 11, 2009 <http://www.newsweek.com/id/188714>

*NPR*

- Texting while driving? There's an app to stop that, May 20, 2013,  
<http://www.marketplace.org/topics/tech/texting-while-driving-theres-app-stop>
- Ready, fire, aim: Why Silicon Valley shoots from the hip, April 11, 2013,  
<http://www.marketplace.org/topics/business/ready-fire-aim-why-silicon-valley>  
<http://www.marketplace.org/topics/business/ready-fire-aim-why-silicon-valley-shoots-hip-.UWh13VsNkEw.emailshootship#.UWh13VsNkEw.email>

*PBS*

- Digital Age, April 14, 2013, <http://www.digitalage.org/video/are-we-prosecuting>  
<http://www.digitalage.org/video/are-we-prosecuting-the-right-hackers/theright/hackers/>

*Politico*

- Adding Cyber to SAFETY Act?, July 28, 2015,  
<http://www.politico.com/tipsheets/morningcybersecurity/2015/07/cisa-races-clock-to-senate>  
<http://www.politico.com/tipsheets/morning-cybersecurity/2015/07/cisa-races-clock-to-senate-floor-poll-americans-dont-support-hacking-back-vs-nation-states-212543>  
[floor-poll-americans-dont-support-hackingback-vs-nation-states-212543](http://www.politico.com/tipsheets/morning-cybersecurity/2015/07/cisa-races-clock-to-senate-floor-poll-americans-dont-support-hackingback-vs-nation-states-212543)

### *TechCrunch*

- Google Glass Women Problems, March 3, 2013,  
<http://techcrunch.com/2013/03/03/googleglass-women-problems/>

### *Time*

How Apple Made ‘Vertical Integration’ Hot Again — Too Hot, Maybe, March 13, 2013,  
<http://business.time.com/2012/03/16/how-apple-made-vertical-integration-hot-again>  
<http://business.time.com/2012/03/16/how-apple-made-vertical-integration-hot-again-too-hot-maybe/> - ixzz2QIMsEu2Ztoohotmaybe/#ixzz2QIMsEu2Z

### *U.S. News and World Report*

- Myspace Carves Out Niche Via Music and Easing Privacy Worries, January 18, 2013,  
<http://www.usnews.com/news/articles/2013/01/18/myspace-carves-out-niche-via-music>  
<http://www.usnews.com/news/articles/2013/01/18/myspace-carves-out-niche-via-music-and-easing-privacy-worries>

### *The Wall Street Journal*

- FTC Wins Wyndham Skirmish, Battle Goes On, April 9, 2014,  
<http://blogs.wsj.com/riskandcompliance/2014/04/09/the-morning-risk-report-ftc-winswyndham>  
<http://blogs.wsj.com/riskandcompliance/2014/04/09/the-morning-risk-report-ftc-wins-wyndham-skirmish-battle-goes-on/skirmish-battle-goes-on/>
- If a Business Owner Dies, Who Can Access the Web?, May 21, 2012,  
<http://online.wsj.com/article/SB10001424052702304537904577279163704266448.html>

### *Washington Post*

- Secrecy surrounding ‘zero-day exploits’ industry spurs calls for government oversight, September 1, 2012,  
<http://www.washingtonpost.com/world/national>  
[http://www.washingtonpost.com/world/national-security/secrecy-surrounding-zero-day-exploits-industry-spurs-calls-for-government-oversight/2012/09/01/46d664a6-edf7-11e1-afd6-f55f84bc0c41\\_story.html](http://www.washingtonpost.com/world/national-security/secrecy-surrounding-zero-day-exploits-industry-spurs-calls-for-government-oversight/2012/09/01/46d664a6-edf7-11e1-afd6-f55f84bc0c41_story.html)  
[http://www.washingtonpost.com/world/national-security/secrecysurrounding-zeroday-exploits-industry-spurs-calls-for-governmentoversight/2012/09/01/46d664a6-edf7-11e1-afd6f55f84bc0c41\\_story.html](http://www.washingtonpost.com/world/national-security/secrecysurrounding-zeroday-exploits-industry-spurs-calls-for-governmentoversight/2012/09/01/46d664a6-edf7-11e1-afd6f55f84bc0c41_story.html)

- Italian spyware firm relies on U.S. Internet servers, March 3, 2014, [http://www.washingtonpost.com/world/national-security/italian-spyware-firm-relies-on-usinternet-servers/2014/03/03/25f94f12-9f00-11e3-b8d8-94577ff66b28\\_story.html](http://www.washingtonpost.com/world/national-security/italian-spyware-firm-relies-on-usinternet-servers/2014/03/03/25f94f12-9f00-11e3-b8d8-94577ff66b28_story.html)

*Wired*

- Former Employees Are Suing Sony Over ‘Epic Nightmare’ Hack, December 16, 2014 <http://www.wired.com/2014/12/sony-getting-sued-former-employees-protecting-data/>
- We’d All Benefit if Celebs Sue Apple Over the Photo Hack, September 4, 2014, <http://www.wired.com/2014/09/law-apple-photo-hack/>
- Rare Legal Fight Takes On Credit Card Company Security Standards and Fines, January 11, 2012, <http://www.wired.com/threatlevel/2012/01/pci-lawsuit/>  
In Legal First, Data-Breach Suit Targets Auditor, June 2, 2009, [http://www.wired.com/threatlevel/2009/06/auditor\\_sued/](http://www.wired.com/threatlevel/2009/06/auditor_sued/)
- Experts Say MySpace Suicide Indictment Sets “Scary” Legal Precedent, May 15, 2008, <http://www.wired.com/threatlevel/2008/05/myspace-indictm/>
- California Woman Sues Choicepoint, February 24, 2005, [http://www.wired.com/news/privacy/0,1848,66710,00.html?tw=wn\\_tophead\\_3](http://www.wired.com/news/privacy/0,1848,66710,00.html?tw=wn_tophead_3)
- ID Theft Victims Could Lose Twice, February 23, 2005, <http://www.wired.com/news/privacy/0,1848,66685,00.html>

**XI. PROFESSIONAL ACCREDITATION**

State of Illinois Bar - admitted Fall 1999; active and in good standing

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Andrea M. Matwyshyn	2. POSITION TITLE Expert/Senior Special Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Bureau of Consumer Protection, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as a Senior Special Advisor on Technology, Law and the Information Economy, and act as a leader on research for technology issues related to the FTC's consumer protection and antitrust missions. The assignee will report to the Director of the Bureau of Consumer Protection (BCP). She will primarily work together with staff on the agency's social media and streaming video 6(b) study, bringing her expertise to bear on consumer protection issues. She will also lead policy research on matters related to the agency's fraud mission utilizing her deep expertise, including using the resources of the Consumer Sentinel Network to explore how the consumer protection landscape is shifting as technology platforms and social media communications influence how MLMs, con artists, and others reach and exploit consumers. Through her work on the 6(b) study, the assignee will play an integral role in the Commission's strategic direction and advise the Director of BCP and other senior Commission leaders on technology issues where she has expertise on matters encompassing the areas of the information economy and law, information security, intellectual property, and digital platform governance and regulation, to inform FTC strategy and policy.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Dr. Andrea M. Matwyshyn is a full professor at Penn State, tenured in both the law school and engineering school, the Associate Dean of Innovation at Penn State Law, and the founding faculty director of both the Penn State PILOT Lab (Policy Innovation Lab of Tomorrow), an interdisciplinary technology policy lab, and the Anuncia Donecia Songsong Manglona Lab for Gender and Economic Equity, a technology equity lab and clinic. Professor Matwyshyn's scholarship focuses on the intersection of the information economy and law, particularly information security/ "cybersecurity," artificial intelligence/machine learning, health tech and infodemiology, consumer privacy, intellectual property, technology competition, and workforce pipeline policy. Her scholarship is available on her website. In 2014, Professor Matwyshyn served as a Senior Policy Advisor/ Academic in Residence at the Federal Trade Commission. She has also worked as a consulting expert for other federal agencies on both enforcement and policy matters relating to information security. Prior to becoming an academic, Professor Matwyshyn was an attorney in private practice, working with corporate clients on various technology, M&A, and securities matters.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Samuel Levine	10. TELEPHONE NUMBER +1 (202) 326-2702
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11. BUREAU/OFFICE Bureau of Consumer Protection	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD \_\_\_\_\_ DATE \_\_\_\_\_

SAMUEL LEVINE

Digitally signed by SAMUEL LEVINE  
Date: 2022.04.01 13:17:03 -04'00'

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

LORIELLE PANKEY

Digitally signed by LORIELLE PANKEY  
Date: 2022.04.01 14:34:58 -04'00'

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

DAVID ROBBINS

Digitally signed by DAVID ROBBINS  
Date: 2022.04.29 14:16:55 -04'00'

Executive Director

04/29/2022

16. I certify that: a) his expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ \_\_\_\_\_ is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

VICKI BARBER

Digitally signed by VICKI BARBER  
Date: 2022.04.29 17:06:18 -04'00'

04/29/2022

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) FOR ANDREA MATWYSHYN**

The FTC is amending the statement of duties (Box 5) on Andrea Matwyshyn’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on April 29, 2022 to reflect the actual duties performed and the limitations imposed on Ms. Matwyshyn’s work during her tenure at the FTC. Although Ms. Matwyshyn’s original statement of duties in the FTC-189 encompassed a broader and more flexible range of responsibility, her actual duties are summarized in the following paragraph:

The position is located in the Bureau of Consumer Protection, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as a Senior Special Advisor on Technology, Law and the Information Economy, and act as a leader on research for technology issues related to the FTC’s consumer protection and antitrust missions. The assignee will report to the Director of the Bureau of Consumer Protection (BCP). She will primarily work together with staff on the agency’s social media and streaming video 6(b) study, bringing her expertise to bear on consumer protection and competition issues. The assignee will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. She will also support policy research on matters related to the agency’s fraud mission utilizing her deep expertise, including using the resources of the Consumer Sentinel Network to explore how the consumer protection landscape is shifting as technology platforms and social media communications influence how MLMs, con artists, and others reach and exploit consumers. Through her work on the 6(b) study, the assignee will advise the Director of BCP on technology issues where she has expertise on matters encompassing the areas of the information economy and law, information security, intellectual property, and digital platform governance and regulation, to support FTC strategy and policy development. Although the assignee will support policy development, she will not perform inherently governmental functions such as the determination of agency policy, do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

SAMUEL  
LEVINE

Digitally signed by SAMUEL  
LEVINE  
Date: 2022.08.29 19:53:05  
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Samuel Levine  
Director, Bureau of Consumer Protection



MONIQUE  
FORTENBERRY

Digitally signed by  
MONIQUE FORTENBERRY  
Date: 2022.08.30 13:22:24  
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Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

Digitally signed by  
DAVID ROBBINS  
Date: 2022.08.30  
12:11:11 -04'00'

David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

Digitally signed by  
LORIELLE PANKEY  
Date: 2022.08.30  
13:29:50 -04'00'

Lorielle L. Pankey  
Designated Agency Ethics Official

# Kathy Pham

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## PROFESSIONAL EXPERIENCE:

**Federal Trade Commission**, Technology Advisor, September 2021 - now

**Mozilla Foundation**

*Part-time Senior Advisor, Responsible Computer Science*, September 2021 - now (20 hours per month)

*Fellow, Responsible Computer Science*, September 2018 - September 2021

**United States Digital Service**, *Intermittent Consultant*, March 2021 - now (0 hours)

**Harvard University**, *Fellow and Adjunct Lecturer*, September 2017 - now (teach 3 hours per week for 6 weeks)

**Rita Allen Foundation**, Civic Science Fellow, January 2020 - June 2021

**MIT Media Lab**, *Fellow*, January 2018 - August 2018

**Salesforce**, *Advisory Council for Office of Ethical and Humane Use*, August 2018 - September 2021

**United States Digital Service**, *Digital Service Expert*, Nov 2014 - March 2018

**Google**, *Product Manager, Data Scientist*, August 2013 – April 2015

**IBM, Healthcare**, Business Analytics and Optimization, *Senior Consultant*, March 2011 – August 2013

**Harris Healthcare Solutions**, *Software Engineer*, August 2009 – March 2011

**INRIA**, French National Institute for Research in Computer Science, *Graduate Researcher*, 2008

**Google, Google Health**, *Product Manager Intern*, 2007

**BioMedical Informatics and Bio-imaging Laboratory**, *Undergraduate Researcher*, 2006

## RECENT LEADERSHIP AND BOARDS:

**FWD50**, Advisory Board Member, 2020 - now

**Startups and Society Initiative**, Board Member, 2020 - now

**Anita Borg Institute**, ABI.Local advisory board member, 2017 - 2020

**Women in Product**, Boston Chapter, *Founder*, 2018 - 2020

**ProductTank Boston**, *Leadership Team*, 2018 - 2019

**Cancer Sidekick Foundation - cancersidekick.org**, *Founder and Executive Director*, 2013 - 2019

## EDUCATION:

**Georgia Institute of Technology, Metz, France & Atlanta, Georgia**, *Master of Science, Computer Science 2009*

**Supélec, Metz, France**, *Diplôme de Master Professionnel, Computer Science, 2009*

**Georgia Institute of Technology, Atlanta, Georgia**, *Bachelor of Science, Computer Science, Highest Honors 200*

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Kathy Pham	2. POSITION TITLE Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will act as a Technology Advisor, and serve as a visionary leader on policy and strategic initiatives that directly and indirectly affect Commission technology policy and operations. As an authority on and recognized expert in technology research, engineering, and User Experience Design (UX) design, the assignee will represent the Chief Technologist in conferences with senior Commission leaders, and provide advice on significant technology and related policy issues. The assignee will play an integral role in the Commission's strategic direction and advise senior Commission leaders on technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing major technology research, engineering, and or User Experience Design (UX) design initiatives, the assignee will provide the Chief Technologist advice and analysis to influence decisions regarding programs and policies that enhance the effectiveness of the commission's technology operations.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Kathy Pham is a visionary leader at the intersection of technology, product, and policy, with experience across the private sector, public sector, and academia. Her experience in product management and healthcare consulting have given her first-hand insight into the emerging technologies that the FTC seeks to better regulate, with stints at Google, IBM, and Harris Healthcare Solutions. As a co-founder of the United States Digital Service (USDS), Kathy contributed to projects to modernize technology infrastructure at the Department of Veterans Affairs, the Department of Defense, and other agencies. Her role in building the USDS team from just 10 members to over 200 strong equips her with the expertise and know-how necessary to help the FTC devise strategies to build out internal capabilities to assist case teams on technology matters and deploy in-house infrastructure to tackle casework. Her academic and nonprofit appointments, including as an affiliate at the Harvard Berkman-Klein Center for Internet and Society, as Fellow at the Berkman Center's Initiative on Ethics and Governance of Artificial Intelligence, and as Director of the Mozilla Foundation's Responsible Computer Science Challenge, equip her with cutting-edge perspectives on the ways that emerging technologies perpetuate harm, and position her to advise and lead efforts to enable the FTC to utilize innovative theories to protect consumers in the digital marketplace.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Erie Meyer, CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD \_\_\_\_\_ DATE \_\_\_\_\_

Erie Meyer

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

**LORIELLE PANKEY** Digitally signed by LORIELLE PANKEY  
Date: 2021.09.09 08:19:14 -04'00'

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

**DAVID ROBBINS** Digitally signed by DAVID ROBBINS  
Date: 2021.09.09 11:51:38 -04'00'

16. I certify that: a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

**VICKI BARBER** Digitally signed by VICKI BARBER  
Date: 2021.09.21 11:59:49 -04'00'

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR KATHY PHAM**

The FTC is amending the statement of duties (Box 5) on Kathy Pham’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on September 21, 2021 to reflect the actual duties performed and the limitations imposed on Ms. Pham during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. Pham’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues, and act as an expert resource for staff and senior leadership. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in tech product management, engineering systems and digital service technology to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) supporting Bureau staff on cases and enforcement matters, (2) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement efforts, (3) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies and (4) providing expertise and support on digital service capacity building strategies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

**ELIZABETH  
WILKINS**

Digitally signed by  
ELIZABETH WILKINS  
Date: 2022.08.26 12:54:24  
-04'00'

Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

Digitally signed by MONIQUE  
FORTENBERRY  
Date: 2022.08.26 15:31:25  
-04'00'

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Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

Digitally signed by DAVID  
ROBBINS  
Date: 2022.08.26 14:15:06  
-04'00'

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David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

Digitally signed by  
LORIELLE PANKEY  
Date: 2022.08.26  
15:35:47 -04'00'

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Lorielle L. Pankey  
Designated Agency Ethics Official

**SPENCER WEBER WALLER**

Loyola University Chicago School of Law

(b)(6)



**EDUCATION**

**Northwestern University Law School**

J.D., cum laude, 1982

Articles Editor, N.W. J. Int'l L. & Bus.

**University of Michigan**

B.A., cum laude, Economics and Political Science, 1979

Fellowship, Institute of Public Policy Studies, 1980

**TEACHING EXPERIENCE**

2000-Present	Loyola University Chicago School of Law
	2022 On leave as Senior Advisor to the FTC
	2021 Special Assistant to the Provost for Collective Bargaining
	2018- John Paul Stevens Chair in Competition Law
	2016-2017 Associate Dean for Academic Affairs
	2004-2008 Associate Dean for Faculty Research
	2000-present Full Professor and Director Institute for Consumer Antitrust Studies
Spring 2018	Pembroke College, University of Oxford, Visiting Fellow
Fall 2008	Haifa Law School, Visiting Professor
Winter 2004	Northwestern University School of Law, Visiting Professor of Law
1990-2000	Brooklyn Law School
	1997-2000 Associate Dean for Academic Affairs
	1995-2000 Full Professor
	1992-95 Associate Professor
	1990-92 Assistant Professor
Winter 1994	DePaul University College of Law, Visiting Associate Professor

Summer 1993            Institute on World Legal Problems, Innsbruck, Austria  
Visiting Associate Professor

1985-89                IIT/Chicago-Kent College of Law, Adjunct Faculty

Courses Taught:        Antitrust, Antitrust and Intellectual Property, International and Comparative Antitrust, Civil Procedure, European Union Law, Government Regulation and the Market, Health Care Antitrust, International Litigation, International Trade Law, International Business Transactions, Introduction to the World Trade Organization, Principles of Competition Law; Principles of International Economic Law.

### **PRACTICE AND ENFORCEMENT EXPERIENCE**

2022                    Senior Adviser to the Chair, United States Federal Trade Commission

2003-2004            Of Counsel, Mayer Brown LLP

1996-2003            Of Counsel, Kaye Scholer LLP

1990-1991            Of Counsel, Freeborn & Peters

1987-1990            Senior Associate, Freeborn & Peters, Chicago, Illinois

1985-1987            Special Attorney, Chicago Strike Force,  
Criminal Division, U.S. Department of Justice

1983-1985            Trial Attorney, Foreign Commerce Section,  
Antitrust Division, U.S. Department of Justice

1982-1983            Staff Law Clerk, United States Court of Appeals for the Seventh Circuit

### **REPRESENTATIVE PROFESSIONAL AND PRO BONO ACTIVITIES**

Member, American Law Institute (on hiatus)

Contributing Editor, Antitrust Law Journal

### **BAR ADMISSIONS**

Illinois; New York (inactive); United States Supreme Court; United States Courts of Appeals for the Second, Seventh, and Federal Circuit; United States District Court for the Southern District of New York, Eastern District of New York, and Northern District of Illinois (Trial Bar).

## **PRINCIPAL PUBLICATIONS**

### **BOOKS**

THE BATTLE FOR BROADWAY: COMPETITION AND COLLUSION IN THE AMERICAN THEATER INDUSTRY (in progress).

FREE ENTERPRISE AND ECONOMIC ORGANIZATION: Antitrust (8<sup>th</sup> ed. Flynn, First & Bush co-authors)(in progress).

ANTITRUST AND AMERICAN BUSINESS ABROAD (4<sup>th</sup> ed. & 2015-2020 ann. supp.)(Andre Fiebig co-author).

BRANDS, COMPETITION AND THE LAW (2015)(co-authors & editors Deven Desai & Ioannis Lianos).

INTERNATIONAL TRADE AND U.S. ANTITRUST LAW (2d ed. 2006) (Jeffrey Kessler co-author).

THURMAN ARNOLD: A BIOGRAPHY (2005).

ANTITRUST AND AMERICAN BUSINESS ABROAD (3rd ed. 1997 & ann. supp. 1998-2014).

BASEBALL AND THE AMERICAN LEGAL MIND (1995)(co-authors Neil Cohen & Paul Finkelman).

SPECIAL DEFENSES IN INTERNATIONAL ANTITRUST LITIGATION, American Bar Association (1995)(editor and contributor).

INTERNATIONAL TRADE AND U.S. ANTITRUST LAW (1992).

### **BOOK CHAPTERS**

*Pairing Public and Private Antitrust Remedies*, in ESSAYS IN HONOR OF ALBERT A. FOER, Concurrences (2020)(co-author Harry First).

*Citizen Fox: The Global Antitrust Vision of Eleanor Fox*, in EQUITY AND EFFICIENCY IN COMPETITION LAW (Cambridge University Press 2019)(co-author Philip Marsden)(short listed for 2018 Concurrences Antitrust Writing Awards).

*Criminalizing Cartels: A Global Trend?*, RESEARCH HANDBOOK ON COMPARATIVE COMPETITION LAW (2015)(Gregory Shaffer & Nathaniel Nesbitt co-authors).

*Consumer Protection in the US: An Overview*, in UNFAIR COMMERCIAL PRACTICES: THE LONG ROAD TO HARMONIZED LAW ENFORCEMENT (2014).



*The Story of Alcoa: The Enduring Questions of Market Power, Conduct, and Remedy in Monopolization Cases*, in ANTITRUST STORIES (2007).

*The United States Experience in Competition Class Action Certification*, in LITIGATING CONSPIRACY: AN ANALYSIS OF COMPETITION CLASS ACTIONS (2006).

*Counseling the Foreign Multinational on United States Antitrust Law*, in 2 ANTITRUST COUNSELING AND LITIGATION TECHNIQUES (2002, 2004).

*Contemporary Antitrust Federalism: Cluster Bombs or Rough Justice?*, in ANTITRUST LAW IN NEW YORK STATE (2002)(co-author Richard Wolfram).

*Anticartel Cooperation*, in ANTITRUST GOES GLOBAL: WHAT FUTURE FOR TRANSATLANTIC ANTITRUST COOPERATION? (The Brookings Institution 2000).

### **SELECTED ARTICLES**

*Bespoke Antitrust*, under submission (co-author Harry First).

*The Political Face of Antitrust*, 15 BROOK. J. CORP., FIN. & COMM. L. 75 (2020)(Jacob Morse co-author) )(nominated for 2021 Concurrences Antitrust Writing Award- General Antitrust Category).

*Institutions and Incentives in Antitrust Enforcement*, 4 MARKETS & COMP. L. REV. 15 (2020).

*The Omega Man or the Isolation of U.S. Antitrust Law*, 52 CONN. L. REV. 123 (2020).

*Antitrust and Democracy*, 46 FL. ST. U. L. REV. 807 (2019).

*How Much of Health Care Antitrust is Really Antitrust?*, 48 LOY. U. CHI. L.J. 643 (2017).

*The Fall and Rise of the Antitrust Class Action*, 39 WORLD COMP. L & ECON. REV. 29 (2016)(Olivia Popal co-author) (finalist 2016 Concurrences Antitrust Writing Award).

*Promoting Innovation*, 100 IOWA L. REV. 2223 (2015)(Matthew Sag co-author).

*The Telephone Consumer Protection Act of 1991: Adapting Consumer Protection to Changing Technology*, 26 LOY. CONS. L. REV. 343 (2014)(Daniel B. Heidtke & Jessica Stewart co-authors).

*Antitrust's Democracy Deficit*, 81 FORDHAM L. REV. 2543 (2013)(Harry First co-author)(winner 2014 Concurrences Antitrust Writing Award).

*Access and Information Remedies in High-Tech Antitrust*, 8 J. COMP. L. & ECON. 575 (2012).

*Social Networking and Antitrust*, 90 N. CAR. L. REV. 1771 (2012).

*Corporate Governance and Competition Policy*, 18 GEO. MASON L. REV. 833 (2011).

*Consumer Protection in the US: An Overview*, 2011 EUR. J. CONS. L. 803 (Jill Brady & R.J. Acosta co-authors).

*Brands, Competition and the Law*, 2010 BYU L. REV. 1425 (Deven Desai co-author).

*Harmonizing Essential Facilities*, 76 ANTITRUST L.J. 741 (2010)(William Tasch co-author).

*The Law and Economics Virus*, 31 CARDOZO L. REV. 367 (2009).

*The Past Present and Future of Monopolization Remedies*, 76 ANTITRUST L.J. 11 (2009).

*Justice Stevens and the Rule of Reason*, 62 SMU L. REV. 693 (2009).

*Areeda, Epithets, and Essential Facilities*, 2008 WISC. L. REV. 360.

*Revitalizing Essential Facilities*, 75 ANTITRUST L.J. 1 (2008)(Brett Frischmann co-author).

*Microsoft and Trinko: A Tale of Two Courts*, 2006 UTAH L. REV. 741.

*The Jurisprudence of the Infield Fly Rule*, 82 WASH. U. L. Q. 453 (2004) (co-author Neil B. Cohen).

*The Antitrust Legacy of Thurman Arnold*, 76 ST. JOHN'S L. REV. 569 (2004).

*The Incoherence of Punishment in Antitrust*, 78 CHI-KENT L. REV. 207 (2003).

*Suing OPEC*, 64 U. PITT L. REV. 105 (2002).

*The Language of Law and the Language of Business*, 52 CASE WEST. RES. L. REV. 283 (2001).

*Antitrust as Consumer Choice: Comments on the New Paradigm*, 62 U. PITT L. REV. 535 (2001).

*Bringing Globalism Home: Lessons From Antitrust and Beyond*, 32 LOY. U. CHI. L. J. 113 (2000).

Full Publications Available on Request.

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) Spencer Waller	2. POSITION TITLE Expert/Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. § 304: Expert and Consultant Appointments, the assignee will serve as a Senior Advisor to the Chair, and act as a visionary leader on legal issues related to the FTC's law enforcement activities, and consumer protection and antitrust missions. The assignee will play an integral role in the Commission's strategic direction and leverage their expertise to advise the Chair and senior Commission leaders on legal issues required to advance the agency's mission. Having a wide latitude of responsibility for providing advice and assistance on matters encompassing the areas of FTC policy regarding unfair methods of competition, bridging the gap between competition and consumer protection legal frameworks, emerging labor issues in antitrust law, and providing expertise on international antitrust affairs, the assignee will provide the Chair advice and analysis to inform FTC policy. As an expert in antitrust, intellectual property, civil procedure, and international litigation, Mr. Waller will advise via written research, memos, document review and strategic discussions with the Chair. This work will be performed on an intermittent basis, not to exceed one year.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Spencer Weber Waller is the John Paul Stevens Chair in Competition Law, Director of the Institute for Consumer Antitrust Studies, and Professor at Loyola University Chicago School of Law where he teaches antitrust, intellectual property, civil procedure, and international litigation courses. He is a member of the Advisory Board of the American Antitrust Institute and the editorial boards of the Antitrust Law Journal and the World Competition Law and Economics Review. Professor Waller is the author, co-author, or editor of 8 books and over one hundred articles on United States and international antitrust, including Antitrust and American Business Abroad, the leading treatise in the field, and the first full-length biography of Thurman Arnold, the founder of modern antitrust enforcement in the United States. He is the co-editor and contributor to Brands, Competition Law and IP (Cambridge University Press 2015). His recent scholarship focuses on antitrust, brands, class actions, high-tech industries, innovation, and intellectual property. He is the recipient of the 2014 Concurrence Antitrust Writing Award. Professor Waller previously taught and served as associate dean at Brooklyn Law School.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Stephanie Nguyen	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Policy Planning	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF BUREAU/OFFICE HEAD \_\_\_\_\_ DATE \_\_\_\_\_

STEPHANIE NGUYEN

Digitally signed by STEPHANIE NGUYEN  
Date: 2021.12.07 12:49:07 -0500

14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

15. FOURTH QUARTER APPROVAL

OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE DAVID ROBBINS	TITLE executive director	DATE 01/26/2022
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Digitally signed by DAVID ROBBINS  
Date: 2022.01.26 17:38:25 -0500

16. I certify that: a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ \_\_\_\_\_ is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

VICKI BARBER

Digitally signed by VICKI BARBER  
Date: 2022.01.27 11:05:05 -0500

01/27/2022

**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR SPENCER WALLER**

The FTC is amending the statement of duties (Box 5) on Spencer Waller’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on January 26, 2022 to reflect the actual duties performed and limitations imposed on Mr. Waller’s work during his tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Mr. Waller’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, his actual duties are summarized in the following paragraph:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as a Senior Advisor to the Chair. The assignee will advise the Director of the Office of Policy Planning, the Chair and senior Commission leaders on legal issues regarding unfair methods of competition under Section 5 of the FTC Act. He will bring an outside perspective to the agency and, as a noted expert, will bring prestige to the Commission’s work on unfair methods of competition. As an expert in antitrust, intellectual property, civil procedure, and international litigation, Mr. Waller will advise via written research, memos, document review and strategic discussions with the Chair and staff. This work will not exceed one year. Although the assignee will support policy development, he will not perform inherently governmental functions such as the determination of agency policy, do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

ELIZABETH  
WILKINS

Digitally signed by  
ELIZABETH WILKINS  
Date: 2022.08.25 21:51:31  
-04'00'

Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

Digitally signed by  
MONIQUE FORTENBERRY  
Date: 2022.08.26 06:54:37  
-04'00'

Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

Digitally signed by DAVID  
ROBBINS  
Date: 2022.08.26 07:07:40  
-04'00'

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David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

Digitally signed by  
LORIELLE PANKEY  
Date: 2022.08.26  
09:51:43 -04'00'

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Lorielle L. Pankey  
Designated Agency Ethics Official

# Sarah Myers West

(b)(6)

## Current Position

<b>Federal Trade Commission</b> Technology Advisor, OPP	<b>Oct. 2021 –</b>
<b>AI Now Institute, New York University</b> Researcher	<b>Sept. 2018 –</b>

## Education

<b>University of Southern California</b> PhD, Communication, Annenberg School of Communication and Journalism MA, Communication Wallis Annenberg Graduate Research Fellow, 2014-2017	<b>May 2018</b>
<b>University of Virginia</b> BA with Distinction in Media Studies, Minor in Foreign Affairs	<b>May 2008</b>

## Other Affiliations

<b>Northeastern University</b> Visiting Research Scientist	<b>March 2021 –</b>
<b>Harvard University, Berkman-Klein Center for Internet and Society</b> Affiliate Researcher	<b>2014-2020</b>

## Other Research Experience

Managing Editor, Global Voices Advocacy	2012 – 2018
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Managing Editor for weekly publication, the Netizen Report, highlighting key updates in global digital rights. Managed team of contributors based around the globe, edited and compiled the report, which was cross-published by Slate Future Tense. Participated in Global Voices Summit in Cebu, Philippines in 2015.

Research Associate, USC-Peking University Bi-National Commission	2012 – 2013
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Researched and drafted report and op-eds for USC-Beijing University Bi-National Commission on Strategic Distrust Between the US and China. Participated in and provided research support to Commission meetings in Washington, DC and Beijing, China. Led team of graduate student researchers to provide background research on US-China relations and communications.

Center for Communications Leadership and Policy, Research Associate	Sept. 2011 – April 2012
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Research on technology and human rights issues, including Internet freedom, human trafficking and the use of technology to promote social change. Developed conceptual research on the networked use of technology to address human rights abuses.

Media Monitors, Account Manager	Dec. 2008 – July 2011
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Developed media evaluation projects for 40+ regional organizations based in Singapore, Hong Kong, Japan and Taiwan worth \$1m annually. Managed one full-time staff member and a team of interns.

## Sarah Myers West

(b)(6)

Miller Center of Public Affairs, Assistant to Director of Public Programs

Aug. 2006 – June 2008

Developed, coordinated and publicized programs including conferences, symposiums and forums using traditional and digital media, approximately tripling student participation. Helped launch a National Debate and Discussion Series, co-hosted by MacNeil/Lehrer Productions by coordinating and planning student programs, PR and web outreach. Participated in televised broadcast. Conducted briefings and pre-interviews for an annual Crisis Incident Analysis Group conference on international terrorism and national security. Managed several student interns.

National Journal, Intern

June 2007 – Aug. 2007

Reported on issues in technology policy, including Supreme Court cases, Congressional hearings and legislation, and events and trends in the private sector for a web-based twice-daily publication. Wrote daily briefs, a.m. features, and a culminating series on technology and the 2008 presidential campaign, also republished by several political blogs.

British Embassy, Public Affairs Intern

June 2006 – Aug. 2006

Created and implemented media monitoring and polling analysis systems to assess media attitudes toward key policy issues. Assisted with strategic communications planning and media analysis on climate change, science and technology. Helped to revamp and streamline existing communications systems between British and American citizens, including assisting in developing web concepts. Obtained confidential security clearance from FBI and FCO, valid through August 2008.

*References Available Upon Request*

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION (to be completed by originating office)

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) <b>Sarah West</b>	2. POSITION TITLE Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will serve as a Technology Advisor, and act as a key source of technical and policy expertise to facilitate visionary strategic initiatives related to the Commission's approach on governing emerging technologies, as well as enhancing the Commission's technology operations. As an authority on and recognized expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist, senior Commission leaders, and case teams on the latest developments in emerging technology and related policy issues, and guide leaders on the technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing technology, engineering, and artificial intelligence, the assignee will leverage his or her deep first-hand expertise to equip the agency with the institutional knowledge it requires in order to bolster and scale its capacity to govern emerging technologies.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Sarah Myers West currently serves as a postdoctoral researcher at the AI Now Institute. Her research centers on the critical study of technology and culture, with an emphasis on historical and ethnographic methods. She is currently working on a project that addresses the politics of diversity and inclusion in technological communities by exploring the nexus of artificial intelligence, gender, and intersectionality. She received her doctoral degree from the Annenberg School for Communication and Journalism at the University of Southern California in 2018, where her dissertation examined the cultural history and politics of encryption technologies from the 1960s to the present day. Her work is published in academic journals such as New Media & Society, Policy & Internet, Business and Society and the Internet Policy Review, positioning her as a credible and recognized authority on matters of technology and society. The expertise that Sarah has developed in the ethics of artificial intelligence positions her to research and amplify emerging FTC efforts to ensure that regulated corporations leverage machine learning and artificial intelligence responsibly and without harming consumers. Sarah will play an integral role in the Commission's strategic direction by leveraging her deep technical expertise and operational experience to provide advice and assistance on major technology research initiatives, as well as matters in litigation, and to guide programs and policies that enhance the effectiveness of the Commission's technology operations.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No  Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Erie Mever. CTO	10. TELEPHONE NUMBER
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11. BUREAU/OFFICE Office of Public Policy	12. DIVISION
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## APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices)	DATE
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SIGNATURE OF BUREAU/OFFICE HEAD <b>ERIE MEYER</b> Erie Mever	Digitally signed by ERIE MEYER Date: 2021.09.08 17:00:04 -04'00'	DATE
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14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL <b>LORIELLE PANKEY</b>	Digitally signed by LORIELLE PANKEY Date: 2021.09.20 16:22:57 -04'00'	DATE
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15. FOURTH QUARTER APPROVAL OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE <b>DAVID ROBBINS</b>	TITLE Digitally signed by DAVID ROBBINS Date: 2021.09.21 16:00:44 -04'00'	DATE
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16. I certify that: a) this expert/consultant position is necessary;  
b) the position is  Intermittent (has no regular tour of duty)  Temporary (has a regular tour of duty);  
c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;  
d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER <b>VICKI BARBER</b>	Digitally signed by VICKI BARBER Date: 2021.11.08 12:08:28 -05'00'	DATE
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**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR SARAH WEST**

The FTC is amending the statement of duties (Box 5) on Sarah West’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Ms. West during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. West’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below:

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues, and act as an expert resource for staff and senior leadership. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in artificial intelligence, technology platforms and systems, and data privacy and security to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) supporting Bureau staff on cases and enforcement matters, (2) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement, and (3) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

**SIGNED:**

**ELIZABETH  
WILKINS**

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Date: 2022.08.26 12:56:16  
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Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

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MONIQUE FORTENBERRY  
Date: 2022.08.26 15:27:16  
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Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

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ROBBINS  
Date: 2022.08.26 14:17:53  
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David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

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Date: 2022.08.26  
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Lorielle L. Pankey  
Designated Agency Ethics Official

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# Meredith R. Whittaker



## EXPERIENCE

**Federal Trade Commission** - *Senior Advisor on Artificial Intelligence to the Chair, Office of Policy Planning*

October 2021 - June 2022

**New York University, New York** - *Minderoo Research Professor at the Tandon School of Engineering; Faculty Director and Co-Founder of the AI Now Institute*

October, 2019 - PRESENT

**Google Inc, NYC** - *Open Research Founder and Lead (final role)*

July, 2006 - July 2019

## CONGRESSIONAL TESTIMONY

- **House Committee on Oversight and Reform**  
["Facial Recognition Technology \(Part III\): Ensuring Commercial Transparency & Accuracy"](#) - Jan. 15, 2020
- **House Committee on Science, Space, and Technology**  
["Artificial Intelligence: Societal and Ethical Implications"](#) - Jun. 26, 2019

## BOARDS AND RELEVANT SERVICE

- **[Signal Foundation](#)**  
*Director*: providing strategic advice and support to ensure Signal App's sustainability, and ensure everyone has access to truly private digital communications.  
Spring 2020 - present, unpaid
- **[Future Says Tech Impact Network](#)**  
Invited Member: working with an exclusive network of world-leading

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scholars to shape meaningful technology policy and governance.

Fall 2019 - present

- **New York City Automated Decision Systems Task Force**  
Appointed member: served on the country's first government task force shaping an oversight paradigm for automated decision systems.  
Fall 2018 - Fall 2019, fixed participation
- **MacArthur Foundation**  
AI and Society Steering Committee: helped shape programmatic goals and funding prerogatives.  
Spring 2019 - Spring 2021, unpaid
- **Canadian Institute for Advanced Research**  
AI and Society Advisory Council: advised on research and programmatic agenda.  
2017 - 2019, unpaid
- **World Economic Forum**  
AI, IoT, and User Trust Network, Resident Expert  
2016 - 2017 (bounded term), unpaid
- **ACM Association for Computing Machinery**  
Queue Editorial Board Member  
2015 - 2019, unpaid
- **Simply Secure**  
Board of Directors, Chair  
2013 - 2019, unpaid
- **Core Infrastructure Initiative**  
Steering Committee Member (representing Google)  
2013 - 2016, unpaid
- **RIPE Regional Internet Registry**  
Program Committee  
2012-2014, unpaid
- **Open Technology Fund**  
Technical Advisory Board Member  
2012 - 2019, unpaid

## SELECT INVITED TALKS

- **Invited Keynote: Automating Omniscience**  
Conference on Computer Vision and Pattern Recognition  
June 21, 2021
- **Invited talk: What can AI researchers do to help prevent Lethal Autonomous Weapons?**  
International Conference on Learning Representations  
May 5, 2021

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- **Harari Distinguished Lecture: AI & Inequalities - Creating Change**  
Boston University  
February 26, 2021
  - **Invited Keynote: AI and Social Control**  
Rutgers School of Arts and Sciences Critical AI Lecture Series  
February 12, 2021
  - **Panel: Mitigating gender & ethnicity BIASES IN AI**  
European Commission: European Research and Innovation Days  
September 22, 2020
  - **Ethics & Race in Tech**  
City Arts & Lectures  
June 1, 2020
  - **Keynote: Breaking the Wall of Unethical AI**  
Falling Walls conference - Berlin, Germany  
November 9, 2019
  - **Visionary keynote & talk: What shapes AI is also shaping our world**  
Morals & Machines - Dresden, Germany  
June 19, 2019
  - **AI, Neuroscience, and the Ethics of Automating 'Normal'**  
O'Reilly Artificial Intelligence Conference  
September 6, 2019
  - **Reclaiming the Future: Privacy, Ethics, & Organizing in Tech with Meredith Whittaker and Kade Crockford**  
City Arts & Lectures - San Francisco, CA  
June 7, 2019

## SELECT MEDIA APPEARANCES

### Print

- **The New York Times**
  - *The Phony Patriots of Silicon Valley* - Aug. 12, 2019
  - *Exposing the Bias Embedded in Tech* - June 17, 2019
- **The Los Angeles Times**
  - *Google workers protest 'culture of retaliation' with sit-in* - May 1, 2019
- **The Washington Post**

- [The Technology 202: We asked more than 100 tech experts if U.S. should use location data to track coronavirus. They were split.](#) - March 30, 2020
- [The Technology 202: Facial recognition gets another look on Capitol Hill today from skeptical lawmakers](#) - Jan. 15, 2020
- [A face-scanning algorithm increasingly decides whether you deserve the job](#) - Nov. 6, 2019
- [Two women led a protest at Google. Is Google retaliating against them now?](#) - April 27, 2019
- **BBC**
  - [US lawmakers concerned by accuracy of facial recognition](#) - Jan. 16, 2020
- **TIME Magazine**
  - [Meet the Researchers Working to Make Sure Artificial Intelligence Is a Force for Good](#) - Aug. 23, 2019
  - [This AI Software Is 'Coaching' Customer Service Workers. Soon It Could Be Bossing You Around, Too](#) - July 8, 2019

### **Broadcast (TV, Podcasts, and Radio)**

- **The Sunday Times**
  - [AI Now's Meredith Whitaker: "Exploitation by design"](#) - April 17, 2020
- **NowThisNews**
  - ['This is some real-life 'Black Mirror' stuff' — @AOC called out the hidden dangers of facial recognition tech, especially for people of color](#) - Jan. 15, 2020
- **TIME Magazine**
  - [AI Now's Meredith Whittaker On The 'Move Fast And Break Things' Ethos](#) - Aug. 26, 2019
- **Vox // Recode**
  - [How will AI change your life? AI Now Institute founders Kate Crawford and Meredith Whittaker explain.](#) - April 8, 2019

### **SELECT RELEVANT PUBLICATIONS**

- [The Steep Cost of Capture](#) - ACM Interactions - December 2021
- [Everyone should decide how their digital data are used - not just tech companies](#) - Nature - July 2021
- [AI Now 2019 Report](#) - AI Now - December 2019
- [Disability, Bias, and AI](#) - AI Now - November 2019
- [Discriminating Systems: Gender, Race, and Power in AI](#) - AI Now - April 2019
- [AI Now Report 2018](#) - AI Now - December 2018
- [Algorithmic Impact Assessments: A Practical Framework for Public Agency Accountability](#) - AI Now - April 2018

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## SELECT OP-EDS AND PUBLIC WRITING

- **The American Prospect**
  - *The Myth of Artificial Intelligence* - December 2021
- **Public Books**
  - *Prison Tech Comes Home* - August 2021
- **The Nation**
  - *These Machines Won't Kill Fascism* - January 2021
- **Medium/OneZero**
  - *'Those in Power Won't Give Up Willingly': Veena Dubal and Meredith Whittaker on the Future of Organizing Under Prop 22* - November 2020
- **Boston Globe**
  - *Who am I to decide when algorithms should make important decisions?* - November 2020
- **Boston Review**
  - *COVID-19 Crisis Capitalism Comes to Real Estate* - May 2020
- **Boston Review**
  - *COVID-19 Crisis Capitalism Comes to Real Estate* - April 2020
- **The Guardian**
  - *Uber drivers are being forced to choose between risking Covid-19 or starvation* - March 25, 2020
- **Wall Street Journal**
  - *Should Government Halt the Use of Facial-Recognition Technology?* - February 2020
- **Huffington Post**
  - *Wanting It Bad Enough Won't Make It Work: Why Adding Backdoors and Weakening Encryption Threatens the Internet* - December 16, 2015

## EDUCATION

### University of California, Berkeley

BA, English Literature and Rhetoric, 2006

Cum laude, Phi Beta Kappa, 7 major merit-based scholarships

# JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT

## IDENTIFICATION *(to be completed by originating office)*

1. NAME OF EXPERT/CONSULTANT (Last, First, Middle) <b>Meredith Whittaker</b>	2. POSITION TITLE Senior Technology Advisor	3. CURRENT SALARY	4. SALARY REQUESTED 0.0
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5. SUMMARY OF DUTIES (Describe in enough detail to show the work to be performed requires the services of an expert/consultant. Use other side, if necessary.)

The position is located in the Office of Public Policy (OPP), FTC, Washington, DC. The assignee will serve as a Senior Technology Advisor, and act as a visionary leader on policy and strategic initiatives that directly and indirectly affect Commission technology policy and operations. As an authority on and recognized expert in technology research, software engineering, and artificial intelligence, the assignee will advise the Chief Technologist and other senior Commission leaders on the latest developments in emerging technology and related policy issues, and represent the Chief Technologist in conferences with senior Commission leaders. The assignee will play an integral role in the Commission's strategic direction and advise senior Commission leaders on technologies required to advance the agency's mission. Having wide latitude of responsibility for providing advice and assistance on matters encompassing major technology research, engineering, and artificial intelligence initiatives, the assignee will provide the Chief Technologist advice and analysis to influence decisions regarding programs and policies that enhance the effectiveness of the commission's technology operations. The assignee will leverage his or her deep expertise in the latest technical developments to lead efforts within the FTC to better conceptualize, understand, and govern emerging technologies, and to help scale the FTC's institutional capacity to better protect consumers in this area.

6. SUMMARY OF QUALIFICATIONS (Describe in enough detail to show that the expert/consultant has the kind and level of experience required for the work to be performed. Use other side, if necessary.)

Meredith Whittaker serves as Minderoo Research Professor at New York University. As a co-founder and faculty director of the NYU AI Now Institute, Whittaker is a widely recognized expert in the ethics of emerging technologies and artificial intelligence, including on issues of data privacy, algorithmic bias, and their implications on human rights and civil liberties. In the past, Meredith has advised the White House, the FCC, the European Parliament, and the City of New York on matters related to artificial intelligence, data privacy, and technology policy, and testified before Congress in June 2019 on the social and ethical implications of AI. This expertise is built on a deep understanding of the underlying technology itself—developed during her tenure at Google, where she co-founded Google's Open Research group—lending her deep respect in both policy and technical communities. Meredith's bilingualism in both technology and government service will be instrumental as she leads the FTC's own efforts to better govern emerging technologies, such as but not limited to artificial intelligence and technology platforms. Meredith also brings important perspectives in areas of the Chair's priority, including by examining structural power dynamics in technology markets.

7. COMPLETE THIS ITEM ONLY FOR CONVERSION TO NEW APPOINTMENT

Intermittent employment totaled \_\_\_\_\_ days in a pay status from \_\_\_\_\_ to \_\_\_\_\_ (mm/dd/yy) of the previous service year.

8. IS/WAS (within the last two (2) years) THE EXPERT/CONSULTANT UNDER CONTRACT WITH THE FEDERAL TRADE COMMISSION?

No       Yes. If Yes, provide contract number. \_\_\_\_\_

9. REQUESTED BY Erie Mever, CTO	10. TELEPHONE NUMBER
11. BUREAU/OFFICE Office of Public Policy	12. DIVISION

### APPROVALS

13. I certify that the expert/consultant will be assigned only the duties described above. Duties will not include the performance or the supervision of operating functions. I also certify that the Statement of Employment and Financial Interests has been reviewed in terms of the duties stated above, and no conflict of interests exists.

SIGNATURE OF ASSISTANT DIRECTOR (Headquarters) OR REGIONAL DIRECTOR (Regional Offices)	DATE
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SIGNATURE OF BUREAU/OFFICE HEAD <b>ERIE MEYER</b> <small>Erie Meyer</small>	Digitally signed by ERIE MEYER Date: 2021.09.08 17:05:11 -04'00'	DATE
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14. Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (alternative to OGE Form 450).

SIGNATURE OF AGENCY ETHICS OFFICIAL <b>LORIELLE PANKEY</b>	Digitally signed by LORIELLE PANKEY Date: 2021.09.22 10:43:55 -04'00'	DATE
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15. FOURTH QUARTER APPROVAL OFFICE OF THE EXECUTIVE DIRECTOR REPRESENTATIVE <b>DAVID ROBBINS</b>	TITLE Digitally signed by DAVID ROBBINS Date: 2021.09.22 19:29:14 -04'00'	DATE
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16. I certify that:

a) this expert/consultant position is necessary;

b) the position is  Intermittent (has no regular tour of duty)       Temporary (has a regular tour of duty);

c) the daily rate of \$ 0.00 is commensurate with the work to be performed and the appointee's qualifications;

d) all requirements of law have been met.

SIGNATURE OF CHIEF HUMAN CAPITAL OFFICER <b>VICKI BARBER</b>	Digitally signed by VICKI BARBER Date: 2021.11.08 12:07:25 -05'00'	DATE
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**AMENDMENT TO FTC-189 (JUSTIFICATION AND APPROVAL OF EMPLOYMENT OF EXPERT/CONSULTANT) AND FTC-244 (QUARTERLY REVIEWS FOR EXPERT/CONSULTANT) FOR MEREDITH WHITTAKER**

The FTC is amending the statement of duties (Box 5) on Meredith Whittaker’s form FTC-189 (Justification and Approval of Employment of Expert/Consultant) approved on November 8, 2021 to reflect the actual duties performed and the limitations imposed on Ms. Whittaker during her tenure at the FTC. The corresponding summary of duties in Box 3 on form FTC-244 (Quarterly Reviews of Expert/Consultant) for this appointment, was copied directly from the FTC-189 form and is also hereby amended. Although Ms. Whittaker’s original statement of duties in the FTC-189 and FTC-244 forms encompassed a broader and more flexible range of responsibility, her actual duties are summarized below.

The position is located in the Office of Policy Planning, FTC, Washington, DC. In accordance with 5 C.F.R. part 304: Expert and Consultant Appointments, the assignee will serve as an expert on evolving technology issues, and act as an expert resource for staff and senior leadership. In particular, she will work together with staff to provide advice on the agency’s tech matters that relate to antitrust and consumer protection conduct, policy and enforcement. She will bring her expertise in artificial intelligence, data privacy, emerging technologies and algorithmic bias to bear on several key project areas in which she would advise via written research and memos and review and support the advancement of work product which would include: (1) collaborating closely with staff and leadership to provide insights on emerging tech issues and market development trends that could lead to enforcement efforts and (2) providing technical subject matter expertise and technical assistance as a resource to agency staff on markets and technologies. Given the assignee’s expertise, she will bring an outside point of view to the agency, to avoid too limited judgment on administrative or technical issues. Although the assignee will support policy development with expert technical perspective, she will not be responsible for the determination of agency policy (i.e., determining the content and application of regulations), do work of an ongoing nature more appropriately performed by the agency’s regular employees, or perform managerial or supervisory work.

On March 31, 2022, Ms. Whittaker’s duties were modified as reflected in her quarterly review. See form FTC-244.

**SIGNED:**

**ELIZABETH  
WILKINS**

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ELIZABETH WILKINS  
Date: 2022.08.26 12:56:52  
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Elizabeth Wilkins  
Director, Office of Policy and Planning

MONIQUE  
FORTENBERRY

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Monique Fortenberry  
Acting Chief Human Capital Officer

DAVID  
ROBBINS

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Date: 2022.08.26 14:18:41  
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David Robbins  
Executive Director

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**ETHICS APPROVAL:**

Expert/Consultant has certified that no conflict exists via the Confidential Conflict of Interest Statement (OGE Form 450).

LORIELLE  
PANKEY

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Date: 2022.08.26  
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Lorielle L. Pankey  
Designated Agency Ethics Official