

**STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR
POLICY ADVISORY COMMITTEE (SLTPS-PAC)
January 27, 20201**

SUMMARY MINUTES OF THE MEETING

The SLTPS-PAC held its nineteenth meeting on Wednesday, January 27, 2021, at 10:00 a.m., by teleconference, because of access restrictions due to the COVID-19 situation. Mark A. Bradley, Director, Information Security Oversight Office (ISOO), chaired the meeting, which was open to the public. The following minutes were finalized and certified on April 21, 2021.

(The meeting minutes and the official transcript of the proceedings are available at <https://www.archives.gov/isoo/oversight-groups/sltps-pac/committee.html>.)

I. Welcome, Introductions, and Administrative Matters (Reference transcript pages 1–5.)

The Chair welcomed the attendees and participants. He introduced new Federal members and alternates: Michael Russo, Chief, Information Security Policy, Office of the Undersecretary of Defense for Intelligence and Security, is the new DoD member. Mark Hojnacke, Director, Office of Security Policy, Office of Security, is the new member from the Department of Energy (DOE). Tracy Kindle, Personnel Security Policy Program Manager, Office of Departmental Personnel Security, Office of Security, and Natasha Sumter, Program Planning and Management Team Lead, Office of Security Policy, Office of Security, are the new alternates from the DOE. The Chair also announced a vacancy in the SLTPS-entity membership, as Jessica Davenport, Deputy Director, Florida Fusion Center, completed her four-year term early in January. He asked the members to submit nominees to fill the vacancy. (See Attachment 1 for a list of meeting participants.)

II. Old Business (Reference transcript pages 5–13.)

Updates from the DFO

Greg Pannoni, SLTPS-PAC Designated Federal Officer
Associate Director, Operations and Industrial Security, ISOO

Mr. Pannoni reported on the five action items from the July 27, 2020, SLTPS-PAC meeting.

- *Report on Action Item 1 from 7/27/2020: The FBI will report at the January 2021, SLTPS-PAC meeting on the status of the effort to provide its SLTPS security clearance data to the DSCA.* (Reference transcript pages 9–12.)

Mr. Pannoni turned to Angel Catalan, FBI member, for the update. Mr. Catalan reported that, during the summer of 2020, the FBI Security Division started collaborating with the FBI's Information Technology Applications Division, to develop a script to download clearance information for state, local, tribal, and private sector personnel whose clearances are held by the FBI, from the FBI's Phoenix platform and feed this information into the Defense Counterintelligence and Security Agency's (DSCA) Central Verification System (CVS). The script was developed in August and tested in November. End-to-end testing

with the DSCA has been ongoing since the beginning of 2021. Mr. Catalan indicated that the FBI expects to start feeding the clearance information into the CVS by March 2021. Initially this will be a manual process, but the intent is that at some point it will be automated.

Mr. Catalan reported that as of January 25, 2021, the FBI had identified 9,163 task force officers from different state, local, tribal, and private sector organizations whose clearances and investigation records are held by the FBI. He noted that one action item is still pending internally that the FBI is to identify the number of non-task force officers whose clearances are in the system and expressed hope that he will be able to provide an update on this at the next meeting. He then turned to Marie Bernoi, Chief, Mission Support Unit, Strategic Resources Section, FBI Security Division, who is in charge of the IT portfolio management team that has been working on this effort. Ms. Bernoi added that she received an update from her team just before this meeting, and the team members confirmed that they are on track for the March timeframe to go live, if not sooner. She also indicated that once the connection is made with DCSA, the team will continue to look at what other populations may be able to be shared in this capacity.

Mr. Pannoni thanked the FBI for pursuing this, bringing it forward, and moving towards maturity on being able to provide these data. Clearances are a core element under the executive order for the SLTPS program, and it is important that we have a better idea of the volume and where they are. The Chair echoed the kudos for the FBI. He thanked them for what they have done in moving this forward, commenting that it is absolutely critical for the success of this executive order, and given this high threat environment that we're in and going to stay in, it's absolutely essential that this takes place.

ACTION ITEM 1: The FBI will provide an update at the July 28, 2021, SLTPS-PAC meeting on the status of the process to provide its SLTPS security clearance data to the DSCA, to include, if possible, the effort to identify non-task force officers in their systems for inclusion in the data transfers.

- *Report on Action Item 2 from 7/27/2020: When COVID-19 restrictions have eased, ISOO will host a meeting in its SCIF with the ODNI, and other entities as appropriate, to examine why the Intelligence Community is unable to determine the current number of SLTPS personnel that it has cleared and to seek a means obtain this information. Until then, the issue is tabled. (Reference transcript page 5.)*

Mr. Pannoni reported that the issue remains tabled because access restrictions remain in effect due to the pandemic.

ACTION ITEM 2: When COVID-19 restrictions have eased, ISOO will host a meeting in its SCIF with the ODNI, and other entities as appropriate, to examine why the Intelligence Community is unable to determine the current number of SLTPS

personnel that it has cleared and to seek a means obtain this information. Until then, the issue remains tabled.

- *Report on Action Item 3 from 7/27/2020: The DHS will arrange a briefing by the Cybersecurity and Infrastructure Security Agency (CISA) for the SLTPS-PAC membership at the SLTPS-PAC meeting in January 2021, or earlier, possibly in the fall of 2020. Charlie Rogers, DHS alternate, in consultation with Rich McComb, DHS Vice Chair, will identify the appropriate CISA personnel and help arrange the briefing. (Reference transcript pages 5–6.)*

Mr. Pannoni reported that the briefing was held, in October 2020 (10/14/2020). He indicated that Bryan S. Ware, Assistant Director for Cybersecurity, CISA, provided an excellent update.

Report on Action Item 4 from 7/27/2020: ISOO will seek to identify and review policies relevant to discussions about allowing access to classified information at home to ascertain what the policies permit and what they do not permit. (Reference transcript page 6.)

Mr. Pannoni reported that there are no additional updates as ISOO is trying to get more information. He noted that we are aware that the Committee on National Security Systems (CNSS) has at least one document on the use of mobile devices remotely and have tried without success to reach out to the CNSS to obtain information about any guidance they might have with respect to the remote access to classified national security information.

ACTION ITEM 3: ISOO will continue to seek to identify and review policies relevant to discussions about allowing access to classified information at home to ascertain what the policies permit and what they do not permit.

- *Report on Action Item 5 from 7/27/2020: ISOO will schedule and hold the next meeting of the Cyber Threat Information Sharing Working Group prior to the next SLTPS-PAC meeting. (Reference transcript pages 6–8.)*

Mr. Pannoni reported that the working group met two times, on December 3, 2020, and January 13, 2021. He indicated that the group is not ready to present recommendations yet to the full Committee because the working group has not had an opportunity to comment collectively on recommendations that have been drafted. He noted that they are still assessing the current situation with regard to cyber threat information sharing, i.e., what is being done effectively and what is not. Although there have been informal conversations on this, it has not reached the maturity level where there is anything concrete to recommend to the Committee. He indicated that there is some consideration of asking agencies to provide something like a white paper identifying the existing state in terms of the methods, procedures, and policies and the specifics of the implementation of cyber threat information sharing. He also touched on the points that have been raised at the working group meetings regarding the sharing of cyber threat information, summarizing that they include whether it is timely; is it actionable; is it relevant; does it provide tactics, techniques, and procedures, and is it prioritized.

Bringing Old Business to a close, the Chair reminded the federal members to submit their financial disclosure forms to the National Archives and Records Administration's Office of General Counsel, and Mr. Pannoni reported that the SLTPS-PAC's Charter was renewed in December.

III. New Business

A. Department of Homeland Security (DHS) SLTPS Security Program Overview (Reference transcript pages 14–19.)

Charles Rogers, SLTPS Vice-Chair and Chief, Compliance/Standards & Training Division, Office of the Chief Security Officer, DHS

Mr. Rogers provided a general update of what DHS is doing with the fusion centers, primarily in the state and local program. He noted that the DHS is currently supporting more than 80 fusion centers. COVID has impacted all of the fusion centers in some manner, but none of them have been shut down. Staffing has been reduced, but secure rooms are still being properly monitored and secured each day. Mr. Rogers described how COVID has affected the DHS security program audits of these secure rooms. He stated that the purpose of the audits is to ensure that the facilities are maintained in accordance with federal standards, that the classified information is being safeguarded, that the secure rooms are being managed appropriately, and that security training and other items are being done. Under COVID, the audits have been done remotely and do not involve going on-site. The audit team is utilizing technology and continues to explore ways to make the process better. Mr. Rogers indicated that once the significant impacts of COVID have passed, the DHS will return to on-site visits but will take lessons learned from the remote audits and will continue to use the alternative methods as a supplement to the on-site audits. He indicated that, of the 16 security performance audits that were planned for FY 2020, five were performed before the COVID impacts, eight of the remaining 11 were performed virtually. The three that were not completed were moved to FY 2021. He indicated that DHS expects to perform approximately 17 virtual audits this year.

Mr. Rogers then discussed the ongoing support that the DHS provides to the fusion centers. This includes distributing monthly clearance rosters to the states. DHS continues to conduct surveys and approve classified storage locations and rooms for classified discussions, and they do an occasional collateral room certification. On occasion, they support a relocation or expansion of a secure room. They continue to meet, remotely, with security liaisons from the fusion centers to provide training and guidance on a regular basis, and they reach out to them weekly to determine their operating status because of COVID.

Mr. Rogers closed his presentation with an update on the personnel security metrics for SLTPS personnel. There are about 8,700 cleared at the SECRET level, as opposed to the 8,800 he reported in July. At TOP SECRET, there are 320, compared to 325 in July. Lastly, at TS-SCI there are 377, whereas there were 375 in July.

C. Controlled Unclassified Information (CUI) Program Update (Reference transcript pages 18–22.)

Devin Casey, Controlled Unclassified Information Staff, ISOO

Devin Casey, Controlled Unclassified Information Staff, ISOO, provided an update on the Controlled Unclassified Information (CUI) Program. He began by reporting the CUI program is awaiting the publication of the National Information Exchange Model (NIEM) release 5.0, which has the metadata markings and tags for CUI. While it is not mandatory that CUI be marked with metadata, nor is it not mandatory to utilize the NIEM structure if CUI is marked with metadata, the NIEM release 5.0 is important because this is a CUI-compliant metadata marking that will be soon be released and be accessible by anyone, because NIEM releases their metadata markings publicly. The markings will also be maintained by the CUI office. So, when there are changes to the CUI registry, the CUI office will make sure that NIEM is updated accordingly.

Mr. Casey then turned to the CUI Federal Acquisition Regulation (FAR) case. He reported that the General Services Administration projected a new public comment period for the CUI FAR, which they estimate will run from March through May 2021. Once the notice of the public comment period is posted, the CUI office will host an ad hoc stakeholder meeting to discuss the content of the FAR and to answer questions about the content or intent of the FAR, in order to receive better comments.

Mr. Casey reported that the National Institute of Standards and Technology (NIST) 800-172 is undergoing comment resolution. The NIST 800-172, which was formerly the NIST 800-171b, provides additional requirements or enhanced security requirements for protecting CUI when the CUI is of a particularly sensitive nature, for instance, when it is part of a high value asset or a critical program at DOD. He noted that the 800-172 already went through public comment and should be issued shortly by NIST.

Mr. Casey reported on two CUI notices that had been issued since this last report to the SLTPS-PAC. CUI notice 2020-6 covers limited marketing waivers and the best practices. It is aimed at agencies that can apply these waivers internally and discusses the methods and procedures for marking that information on systems or through the use of splash screens or databases, as opposed to marking granularly. Agencies are still required to mark or identify the information prior to transferring it outside of their agency, as the marking waiver only applies internal to the agency. CUI notice 2020-7 covers alternate designation indicators. Certain agencies do not always want to identify their agency but want to have the flexibility not to put their agency name on information. Instead, they may claim it is US government information, as opposed to specifying the agency, in situations where they're permitted to do so. They will continue to be able to do that under the CUI program, following a process that has to be reviewed. And the CUI office will review those situations as well.

Mr. Casey reported that the DoD has moved forward significantly with its CUI program and advised the meeting participants if they are working or doing business with the DoD, they can find a wealth of information and points of contact for the DOD CUI program on the dodcui.com website.

Mr. Casey reported that the CUI office was finishing up receiving annual reports from the agencies, having received well over 90 percent of the reports, with just a few reports outstanding, mostly from very small agencies. The key issue in the annual reports this year is whether the agencies will meet the deadlines for issuing policy and starting training. He was pleased report that significant progress was made over the past year, despite the COVID situation. The majority of agencies will be meeting the deadline or falling within six months of it. Mr. Casey observed that once the policy

is issued, typically the other elements of the program fall into place within the next six to 12 months.

Mr. Casey closed his presentation by advising the participants that if they have any questions about the CUI program, they can email CUI@NARA.gov, or go to archives.gov/CUI, where they can read more about the CUI program and find the CUI blog.

IV. General Open Forum/Discussion (Reference transcript pages 22–25.)

Marc Sachs, SLTPS-entity Vice Chair, asked two questions to begin the open forum. The first was about the new administration, inquiring if the Chair anticipates anything coming from it that the SLTPS-PAC needs to prepare for. The second related to the Cyber Threat Information Sharing working group and the need to wrap up the comments that the group was not able to finish for this meeting. He indicated that they should finish them as soon as possible and make a report to the larger group.

The Chair responded to the first question. He noted that the administration is brand new and ISOO is still trying to establish who will be our contacts on the National Security Council, which is where ISOO gets its policy guidance. The Chair opined that there is likely to be greater emphasis on robust information sharing in this administration, particularly on the threat front, which will probably be both international, and unfortunately, domestic, as well. The Chair indicated that he expects this committee to rise in stature, as its work is going to become even more important for our country's security. Mr. Sachs added that the expected appointment of a National Cyber Director will provide an opportunity to work with them and shape where we want to go over the next four years. The Chair and Mr. Pannoni agreed.

Mr. Pannoni responded to Mr. Sachs second question, agreeing with Mr. Sachs that the working group still needs to furnish recommendations to the committee. He indicated that the intention is to meet again to get a consensus on what the needs are for the private sector and the state, local, and tribal entities with respect to cyber threat information. Mr. Pannoni added that we need to work within the confines of the executive order as well as the committee's purpose and ensure that the recommendations we make to the committee are in alignment with the order and the purpose of the PAC. Mr. Sachs concurred, adding that he wanted to make sure that we do not leave the group out there hanging. Rather we should try and schedule a wrap up in the next 30 to 45 days or so, so we can finalize the recommendations, making sure they're within the guidelines, but if there are recommendations that are outside those guidelines, maybe we can forward them over to CISA or someplace else where they might have the ability to consider them. Mr. Pannoni agreed and indicated that he welcomed input from others in the group. He reiterated a point he made earlier in the meeting that we need to assess the current situation with regard to cyber threat information sharing which is the basis for recommendations to the committee.

ACTION ITEM 4: ISOO will schedule and hold the next meeting of the Cyber Threat Information Sharing Working Group prior to the next SLTPS-PAC meeting.

V. Closing Remarks and Adjournment (Reference transcript pages 25–26.)

The Chair announced that the next SLTPS-PAC meeting will be held on Wednesday, July 28, 2021ⁱ, 10:00 a.m. to 12:00 noon, and added that he hopes it will be possible to hold the meeting in person in the confines of the National Archives Building. He then adjourned the meeting.

ⁱ Due to a scheduling conflict, the date of the next meeting was changed to Thursday, July 29, 2021.

State, Local, Tribal, and Private Sector Policy Advisory Committee
Teleconference Participants, January 27, 2021

Sabrina Atack	Member, Nuclear Regulatory Commission
Glenn Bensley	Member, Department of Justice
Marie Bernoi	Participant, Federal Bureau of Investigation (FBI)
Mark Bradley	Chair, Director, Information Security Oversight Office (ISOO)
Tom Carr	State, Local, Tribal, and Private Sector (SLTPS) Member
Devin Casey	Presenter, ISOO
Angel Catalan	Member, FBI
Kate Connor	Alternate, Department of State (State)
Sidonie Dunham	Member, Department of Transportation (DOT)
Juan Estrada	Observer, Department of Homeland Security (DHS)
Scott Gerlach	Alternate, FBI
Mary H.	Observer, Central Intelligence Agency (CIA)
Mark Hojnacke	Member, Department of Energy, (DOE)
Darrel Jackson	Observer, DHS
Kim Johnson	Observer, DHS
Valerie Kerben	Member, Office of the Director of National Intelligence
Tracy Kindle	Alternate, DOE
Tiffany Kleemann	SLTPS Member
Leo Masciana	Member, State
Brian O'Neil	Member, CIA
Greg Pannoni	Designated Federal Officer, Associate Director, ISOO
Charlie Rogers	Alternate, DHS
Michael Russo	Member, Department of Defense
Marc Sachs	SLTPS Member
Mary Michelle Schechter	SLTPS Member
Robert Skwirot	ISOO
Bandon Smith	Observer, DHS
Nicole Stone	Observer, DHS
Natasha Sumter	Alternate, DOE
Meghann Teubner	SLTPS Member
Antoine Washington	Observer, DHS
Debra Winsor	Observer, DHS
Tom Woolworth	SLTPS Member