

**Federal PKI Legal & Policy Working Group Meeting
May 19, 2003**

Generic liability language for use in a Federal agency CP was discussed and approved at the May 8th CPWG meeting as well as discussed at the May 13th FPKIPA meeting. It will be voted on at the June 10th FPKIPA meeting. Once approved by the FPKIPA members, it will be sent to the DOJ for final approval. This language has also been plugged into the CP for the Common Policy Framework. However, Shauna voiced concerns in the LPWG meeting and disagrees with the liability language. She and John Cornell have agreed to disagree on this. She feels we are taking the wrong stance and would like a ruling from DOJ.

The MOA has been in the works for a long time, being revised for Federal agency use as well as non-Federal entity use. This was a major revision vetted thru John Cornell. Shauna has some concerns with Section VI, titled "Dispute Resolution" for Federal agencies. Should the services of a mediator or arbitrator be engaged? Is OMB or the DOJ the correct legal counsel to resolve the dispute? After extensive discussions, Shauna wants the second sentence and the third sentence deleted from Section VI (paragraph A) in the Federal version, and the second sentence in the other two versions. Woody has a problem with the wording in Section VII, titled "Liability", so Gene and Shauna deleted the first sentence and modified the second sentence. Gene will email the DOJ for an authoritative opinion on the revised wording. At the end of the MOA (Section XI), Tice wants only the signatures for the Chair of the FPKIPA and for the FBCA Program Manager, rather than having those signatures plus alternates for each. Gene will circulate the revised MOA draft to the CPWG, the LPWG, and the FPKIPA for comments.

Shauna wanted to know if the Federal CIO Council has statutory authority. What about the FPKISC and the FPKIPA? Woody wants to know what type of authority the FBCA has. Shauna wants answers to these questions because it could affect the MOA templates. Gene thinks the FPKIPA needs to be reaffirmed by the Federal CIO Council. Does this mean that the FPKIPA Charter needs to be rewritten?

Shauna wanted to know the meaning of a "subscriber". Does it mean a current subscriber with valid credentials? Since a subscriber might not be current and might not have valid credentials.

The next LPWG meeting is scheduled for June 23rd in GSA's Central Office Building, Room # 5141A at 1:00pm.

Attendees:

Gene McDowell, NOAA
Theresa Trentacoste, USDA/NFC
Brant G. Petrick, FPKISC
Woody Roberson, IRS
Tice DeYoung, NASA
Shauna Russell, DOD