

Federal Public Key Infrastructure (PKI)
Legal and Policy Working Group (LPWG)
Draft Meeting Minutes – November 26, 2001

Gene McDowell (the LPWG co-chair) welcomed everyone to the meeting.

Mike Jenkins presented the group with questions from the NATO PKI working group.

- Are there any specific legal or regulatory requirements in your country relating to the types of electronic signature technologies that government agencies may utilize and accept, or the specific purposes for which government agencies can use electronic signatures?

The LPWG answer: The Electronic Signatures (E-SIGN) Act, the Government Paperwork Elimination Act (GPEA), and the Uniform Electronic Transactions Act (UETA).

- Apart from broad statutory requirements or government-wide regulations, have any agencies (particularly those with military functions) adopted their own administrative regulations relating to their use and acceptance of electronic signatures or their implementations of public key infrastructures?

The LPWG answer: The Drug Enforcement Agency (DEA) has published regulations for electronic signature. Following the E-SIGN Act, the Education Department set standards for electronic signatures for student loans. The Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) have issued rules on acceptance of electronic signatures.

Mike Jenkins presented the group the following issue that arose from the Certificate Policy Working Group (CPWG) meeting on November 5th that discussed proposed changes to the X.509 Certificate Policy (CP) to the Federal Bridge Certification Authority (FBCA).

- Should the FBCA CP Section 3.1.10 require a unique identifying number for the verifier and the applicant?

The LPWG answer: Not all badges have unique numbers even if they are access cards. Access Certificates for Electronic Services (ACES) allows you to provide a government/company ID and a driver's license. The consensus was to keep the bullet but limit it to Non-Federal IDs. Mike Jenkins and Rebecca Kahn will provide new language for the FBCA CP and present it to the Federal PKI Policy Authority for approval.

Gene presented the group with the following issues.

- Where do we stand in our work on the liability issue: what changes will be needed in the CP or elsewhere to accommodate interoperation of the Bridge with non-Federal entities (state governments, foreign governments, private sector bridges, other)?

The LPWG answer: The Department of Justice (DOJ) informed the group that we would be sued. If we are sued we want to show it has no merit. Federal agencies could be relying parties for non-federal entities. The following non-federal entities are planning to have a bridge of their own: the health care industry, the banking industry, the automobile industry, the nation of Canada, the nation of Australia, and higher education. We will need to modify the FBCA CP to interface with non-federal entities. The Higher Education Bridge is in the pilot testing phase with the FBCA and the University of Alabama-Birmingham. Each trust domain will be able to join the Federal PKI Policy Authority (PA) and become a voting member. Each trust domain has the ability to exclude other trust domains. The level of voting importance by non-federal entities that cross certify with the FBCA and join the Federal PKI PA needs to be discussed at the next PA meeting.

- What's the status of the draft "hypothetical" and the draft letter to the DOJ requesting an opinion on liability of the FBCA?

The LPWG answer: John Cornell volunteered to "draft" answers to "draft" questions and have it sent from the General Services Administration (GSA) General Counsel to the DOJ General Counsel. John will also e-mail this to the LPWG. Judy Spencer volunteered to "draft" questions and e-mail them to John by November 30th.

Future meeting dates for the LPWG in 2002:

January 7, January 28, February 25, March 25, April 22, May 20, June 24, July 22, August 26, September 23, October 28, November 25, and December 16. All these meetings will be held at the GSA/NCR building, conference room 5700, at 1:30 pm.

Attendance List:

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