

Federal PKI Legal & Policy Working Group Meeting Minutes for June 24, 2002

The group was briefed on the proposed revision of IETF RFC 2527, format for CP and CPS, by Santosh Chokhani.

Gene McDowell announced that on June 18 the Policy Authority adopted our language on liability of the FBCA, as proposed at our May meeting.

This puts us in a position to develop liability language that agencies can use in their own CPs, and that can be put into the model CPs being developed by NIST. A group to work on this should have representatives of all the voting members of the Policy Authority and all the agencies that are have applied or are close to applying for cross-certification. In addition, other agencies having an interest (e.g., SSA) should participate. It will be important for agency representatives to enlist their general counsel offices in this work. This work is less urgent than the MOA (following paragraph).

The draft Memorandum of Agreement between the PA and a cross-certifying agency needs to be updated and finalized. The current draft is the November 26, 2000 version that Rich Guida wrote. Gene stated an objective of finalizing a draft for LPWG vote at its July 22 meeting. A small group will work on this. Peter Alterman, Shauna Russell and Gene McDowell volunteered. In addition to the Guida draft, Gene has some comments and we expect to get a list of items that the CPWG wants added to the MOA. Other people might have comments, as well.

After that MOA template is finalized, we'll need to adapt it for use by non-Federal entities. Jennie said it's not clear yet whether the PA will have the authority to sign these, particularly an MOA with a foreign government. Shauna pointed out that it's not clear yet whether an MOA is a contract, as it's not clear whether it includes the consideration element.

Gene briefly raised the question of whether there is an impediment to Federal use of non-US PKI products and services (assuming they meet the requirements that a similar domestic product or service must meet). As to products (e.g., cryptographic modules), the issue was resolved in the negative during the writing of the CP. There doesn't appear to be a legal or government-wide impediment for services, either; services of a foreign contractor would be up to the individual agency.

Attendance:

Santosh Chokhani, Orion Scurity Solutions - invited speaker

Francee Levene, DOD/NSA

Jennie Plante, DOJ/EOUSA

Jan McNutt, DOD/DISA

Shauna Russell, DOD/GC

Woody Roberson, IRS

Rebecca Kahn, FPKISC

Gene McDowell, NOAA/OCIO
Josephine Smidt, Navy
Shawn O'Connor, DOL
Mark Giguere, NARA
Kavita Kalsy, Treasury/BPD
Stephen Middlebrook, Treasury/FMS
Art Purcell, USPTO
Roger Bezdek, Treasury
Peter Alterman, FPKISC