Surface Transportation Security Advisory Committee (STSAC)

Meeting Minutes

January 30, 2020

Meeting Summary

The third meeting of the Surface Transportation Security Advisory Committee (STSAC) was held at the offices of the American Gas Association (AGA) in Washington, D.C.

Transportation Security Administration (TSA) Administrator David Pekoske updated the Committee with opening remarks to provide his insights and solicit recommendations on three focus areas—improved cybersecurity information sharing, addressing insider threat, and measuring security effectiveness in surface transportation. The STSAC Chair Thomas Farmer and Vice Chair Polly Hanson shared their perspectives on the Administrator's focus areas and announced the formation of four subcommittees that will align well with the Administrator's priorities. Presentations were provided by TSA personnel on the Administrator's Intent 2.0, Surface Transportation Security Assessment and Risk-based Security Strategy, and the Surface Intelligence and Information Sharing Cell (SISC). Nonvoting members provided brief overviews on their agency or department's security-related priorities for 2020. Committee discussions focused on the topics of insider threat, intelligence and information sharing, subcommittees, and the STSAC path forward. The meeting concluded with administrative discussion, closing remarks, and adjournment.

Call to Order

STSAC Designated Federal Official (DFO) Henry Budhram, Jr. welcomed the Committee members and called the meeting to order at 10:30 a.m.

Safety Briefing

AGA Managing Director, Security & Operations Kimberly Denbow provided a brief history of the AGA location and a building safety briefing.

Welcoming Remarks

AGA President and Chief Executive Officer Karen Harbert provided welcoming remarks, recognizing TSA Administrator David Pekoske for his exceptional leadership and TSA Assistant Administrator (AA) for Surface Operations Sonya Proctor for her vigilance and work to advance cybersecurity. Ms. Harbert concluded her remarks by extending her appreciation to the Committee members gathered at the meeting and recognizing the importance of the STSAC.

Opening Remarks

TSA Administrator David Pekoske addressed the Committee with opening remarks and shared a brief update on the TSA headquarters (HQ) relocation. He informed the Committee of TSA's plans to consolidate TSA HQ and other offices into a new building in Springfield, Virginia. Employees will begin moving to the new location once construction is completed later in the year.

Administrator Pekoske discussed goals specific to surface transportation which included elevating surface transportation security to the same level as aviation security. He recognized that aviation was often in the spotlight and believed it was important to ensure that significant vulnerabilities for surface transportation were being addressed in the same way. To be able to focus on surface transportation issues meant moving the reporting structure of the TSA Surface Transportation Security Inspectors (TSIs)—who were supporting airport operations and issues under the Federal Security Directors (FSDs)—to report directly to the AA for Surface Operations. To make this change, Administrator Pekoske needed to develop and put into place a new field structure. He encouraged feedback from the Committee about what he had done in order to achieve the goal of having an easy to understand organization while also allowing for straightforward access.

Before addressing priorities, Administrator Pekoske spoke about looking forward five to eight years at how to mature TSA as an organization. He intends to keep the TSA Strategy stable and is in the process of revising the next edition of the Administrator's Intent.

Acknowledging the importance of dialogue to set the priorities and determine the right focus areas to address first, he provided his insights and solicited recommendations on three focus areas—improving cybersecurity information sharing, addressing insider threat, and measuring security effectiveness in surface transportation.

Improving cybersecurity information sharing

The Administrator explained that the threat of cyber attacks on surface transportation operations continues to evolve and requires innovative approaches utilizing the resources of both government and industry. He asked how TSA can assist surface transportation operators in addressing existing and future cyber threats. The Committee's input would be helpful in plotting a path forward to provide enhanced cybersecurity services. The Administrator regularly meets with top government leaders and private-sector experts to discuss cybersecurity information sharing. This body is scheduled to publish a mid-March report that will call for a significant strengthening of the Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) which will consequently attract more government cyber professionals and subsequently provide cybersecurity resources to counter the threat of cyber attacks.

Surface Transportation Security Advisory Committee (STSAC)

Addressing insider threat

The Administrator shared with Committee members the need to characterize insider threat for surface transportation entities, identify effective industry practices that address insider risks, and suggest proposals for programs or information products that TSA could provide to further insider threat countermeasures. He asked the Committee to consider supporting a continuous dialogue between private industry and government regardless of whether or not a crisis has occurred. There is a need to rethink how we share information and to balance that with securing information.

The Administrator segued from insider threat to employee vetting—an important and effective tool for averting or mitigating potential attacks by those with malicious intent who may target surface transportation—by providing an update to the 9/11 Act mandates for TSA rulemaking. The TSA Security Training Rule is currently with OMB for review. The Vetting Notice of Proposed Rulemaking (NPRM) is almost finalized and will be posted for public comment. The other pending rulemaking for Vulnerability Assessments and Security Planning (VASP) is one that may not be necessary at this time and guidelines may be issued in the interim. VASP Guidelines might then benefit rulemaking later and expedite that process if necessary.

Measuring security effectiveness

The challenge—how does TSA provide the individuals who oversee our security efforts a sense of comfort that we collectively have done what is required to secure the surface transportation space both as a government agency and within the private sector? In the largely unregulated surface transportation security environment, it has been a continuing challenge to obtain regular, meaningful, and repeatable data about security preparedness efforts that can be used as performance measures for surface entities.

Administrator Pekoske asked the Chair and Vice Chair to provide feedback regarding these focus areas so that the formal tasking letter addressing these three areas can be revised to align with input provided by the Committee.

Mr. Farmer said that there is a good deal of commonality between the Administrator's requests and what the Committee wants to accomplish. Regarding cybersecurity information sharing, current events with Iran provide examples of issues surrounding the level of information that is allowed to be distributed and shared with industry. For both industry and government, the expectation in cybersecurity is that reported cyber concerns will be shared more broadly because reported incidents and threats will often be relevant for others.

Regarding insider threat, to prevent insiders from exploiting vulnerabilities, there is a need for an analysis of indicators, trends, and what has been missed in the past that led to damaging activity. The STSAC members will highlight their priorities and come back with immediate action areas so that the Committee can show results within the first months of their existence.

Mr. Farmer highlighted his intent to establish four subcommittees—(1) cybersecurity, (2) insider threat, (3) security risk and intelligence, and (4) emergency management and resiliency that will deliver sound recommendations to TSA for a concerted path forward. STSAC Executive Sponsor and Policy, Plans, and Engagement (PPE) Deputy Assistant Administrator Victoria Newhouse clarified that participants on the subcommittees do not have to be on the STSAC and that outside expertise is welcomed.

Administrator's Intent 2.0

TSA Strategy, Policy Coordination, and Innovation (SP&I) Project Manager Timberly Reisetter outlined the refresh development process for the Administrator's Intent 2.0—a document that is revised every two years. The refresh is organized in three phases—an engagement and information collection phase, an objective development phase, and a review phase. The process utilizes Strategic Priorities and Planning Guidance (SPPG), considers operational effectiveness, and undergoes a review phase where TSA asks for comments from TSA senior leadership and industry. The goal of the Administrator's Intent is to be outcome focused and forward leaning. Ms. Reisetter provided an update on the solicitation of input into the development of the Administrator's Intent 2.0. Mid-April is the anticipated publication for the next edition of the Administrators Intent.

On January 13, SP&I hosted an Administrator's Intent 2.0 workshop for industry to provide input and feedback. STSAC members participated in the discussion by phone and in person.

Ms. Reisetter asked the Committee to think about prioritizing objective development—(1) how do we measure effectiveness and performance management, (2) what is the evidence and how to document change management, (3) and what concerns are there about operational effectiveness?

Chair Farmer noted that he intends to provide feedback to the objectives that were not able to be addressed during the meeting held with TSA on January 13. There are priorities and relevant areas that are important to be considered by TSA in the development of the objectives in the Administrator's Intent. Mr. Farmer asked if the Committee could propose additional topics. Ms. Reisetter thought they were too far along in the process since the information had already been collected but industry could now prioritize what had been received. Mr. Farmer reiterated the intention of the Committee to provide the input which occurred subsequent to the meeting.

Surface Transportation Security Assessment and Implementation of Risk-based Strategy

TSA Director of Enterprise Performance & Risk for SP&I Jerry Booker and Surface Policy Executive Director Scott Gorton provided an update on the Surface Transportation Security Assessment and Risk-based Surface Security Strategy required by Section 1964 of the *TSA Modernization Act*. The Act requires an assessment and a report. The assessment has been completed and the 17-page document is available on the Homeland Security Information Network (HSIN). The Surface Security Strategy Report will soon begin the clearance process and the 32-page draft is also available for review on HSIN.

Efforts were made to align the Surface Security Strategy Report with the Administrator's Intent 1.0 and the TSA Cybersecurity Roadmap. Subject-matter experts helped with draft language. The general philosophy taken with drafting the strategy was not to repeat the National Strategy for Transportation Security (NSTS)—rather to build upon the NSTS and provide a guidepost for how we work within TSA and with our surface-transportation partners.

Mr. Gorton outlined the seven parts of the strategy and the six TSA components that would provide services important for implementation. The Committee will have an opportunity to review the strategy and provide feedback.

Mr. Gorton asked the Committee to think about how can we better measure effectiveness. There are challenges with surface transportation—while each mode has similar objectives, surface transportation is a very diverse community and objectives are met differently. The strategy is not meant to be too confining to lock industry stakeholders down to one particular program. It is intended to provide flexibility to increase agility and to allow for appropriate changes as conditions warrant.

Surface Intelligence and Information Sharing Cell (SISC)

TSA Executive Director of Intelligence for Intelligence and Analysis (I&A) John Beattie discussed the TSA I&A organizational chart, updates on SISC activities, the planned approach for FY 2020, and the Administrator's Intent 2.0.

Mr. Beattie hoped the Committee and the new subcommittee on information sharing will assist with identifying surface transportation's needs. He wants his office to emerge as the one-stop shop for intelligence and information sharing. Mr. Beattie listed some accomplishments since his last presentation that included developing a forum for sharing information. Mr. Beattie concluded by saying that he would be excited to hear any questions or ideas from the group.

Comments from the Committee included the importance of emphasizing and prioritizing industry stakeholder needs to provide them with the information they need. A suggestion was made to directly integrate industry stakeholders into intelligence briefings and meetings held at Federal Bureau of Investigation (FBI) field offices.

Other comments from the Committee emphasized

- The need to avoid recreating the wheel, leveraging current intelligence capabilities, increasing funding for intelligence, and security

- Industry's responsibility to advocate for a national intelligence manager for TSA surface transportation since they exist for maritime and aviation modes

- Industry's ability to access classified material

Chair Farmer discussed some of the best mechanisms and practices for sharing information in the rail industry and echoed comments from the Committee about industry's frustration regarding receiving timely and effective information from government.

Ms. Newhouse acknowledged the interest in inviting colleagues and intelligence experts to certain meetings. On the aviation side, they were able to charter a path forward with this approach. Ms. Newhouse noted that there is a need to look at the bigger picture and asked if we are structured in the right way to get things going. There is always opportunity to expand and improve and she encouraged continued participation on the issue of intelligence sharing.

Surface Transportation Security Priorities for 2020

Nonvoting federal members from the Federal Bureau of Investigation (FBI), the Department of Transportation (DOT), and Department of Homeland Security (DHS) provided five-minute briefs offering insights on their agency or department's priorities for 2020.

- **Federal Emergency Management Agency (FEMA)**

  Mr. R. J. Gatza, Transportation Infrastructure Security Branch, Grant Programs Directorate, works under Mr. Kerry Thomas at FEMA. The FEMA grant award open application period is February 14–April 15. Award announcements are tentatively scheduled for June 15. The 2020 funding amounts have largely stayed the same from 2019 with the Port Security Grant Program and the Transit Security Grant Program each providing approximately 100-million dollars for priority areas in cybersecurity, soft targets and crowded places, and emerging threats.

- **Cybersecurity and Infrastructure Security Agency (CISA)**

  Ms. Nancy Pomerleau, Team Lead and Infrastructure Analyst, Transportation Systems Sector representing the Infrastructure Security Division of CISA, noted that her agency is in the process of reorganizing. Within CISA, they developed a new strategic document with five priorities—supply-chain security, election security, soft targets, federal cybersecurity, and industrial-control systems—with specific goals to defend against emerging threats and hazards and long-term risks. Ms. Pomerleau referenced a CISA insights document that is updated as information becomes available. Insider threat is a top priority—CISA already has a number of different programs and resources available to help with the insider threat issue. In about four weeks, CISA will publish a document on how to develop an insider-threat program.

  Committee members encouraged CISA to look at the on-going fight surrounding 5-G in communities and whether it should or should not occur.

- **United States Coast Guard (USCG)**

  Captain Bradley Clare, Chief, Office of Port and Facility Compliance, noted that the USCG is working internally to develop incident-response training for a cybersecurity breach and how to report suspicious activities or a security breach. In 2015, they were tasked with creating a cyber-risk-assessment model. Workshops will be forthcoming in Miami, Florida; Hampton Roads, Virginia; and other locations.

- **Science & Technology Directorate (S&T)**

  Mr. Budhram uploaded the *Soft Targets and Crowded Places (ST-CP) Program* Surface Transportation presentation on HSIN and included the contact information for Mr. Don Roberts, Program Manager for any follow-up.

- **Federal Bureau of Investigation (FBI)**

  Supervisory Special Agent (SSA) Mary J. Sonnen, Unit Chief, National Joint Terrorism Task Force (NJTTF), provided an overview of the areas of interest for the FBI. These included individuals and groups with intention to plan and conduct an attack, understanding the events and circumstances used to instigate an attack, attempts of nefarious individuals to gain employment in the transportation sector, and attempts at circumventing security measures. FBI security priorities continue to be detecting potential threat actors and understanding their motivations and preoperational planning and capabilities.

- **Federal Highway Administration (FHA)**

  Mr. Jason Carnes, Transportation Security Coordinator, FHA, noted that the FHA mission is to ensure highways are safe and technically sound. This is done in partnership with the Transportation Research Board. They want to make sure that anything related to safety has a security connection. Work is continuing to define the known and unknown in the multimodal highway environment and to better understand that environment. If an attack attempts to stop the flow of traffic, there could be consequences to the movement of surface resources. FHA is trying to be proactive and gain insight into cyber and insider threats for sabotage of major infrastructure; they are continuing to support and refine their information-sharing platform and process with other agencies. Mr. Carnes believes that using the SISC is a good idea and, at the same time, recommends reaching out to each other person-to-person to ensure a broad view.

- **Federal Transit Administration (FTA)**

  Bridgette Zamperini, Transit Safety and Security Specialist, FTA, spoke about the role of some of the offices within the FTA and how her agency administers a national transit safety program. The FTA Office of System Safety is responsible for system policy, technical assistance, and rulemaking. The Office of Safety Review establishes the framework and activities to oversee transit safety policy. The Office of Program Oversight conducts activities to ensure recipients of FTA grants are using funds appropriately. The FTA focuses on safety and recognizes the role of TSA in carrying out security responsibilities. Ms. Zamperini noted that DOT Secretary Elaine Chao has announced money for human-trafficking prevention and awareness. Those interested were encouraged to visit transit.dot.gov for more details on the human trafficking project. A Committee member asked whether transportation partners such as DOT are engaged with TSA during the development process of rulemaking activities. Ms. Newhouse responded that TSA does engage with TSA partners and other federal agencies in rulemaking activities.

- **Federal Railroad Administration (FRA)**

  Mr. Karl Alexy, Associate Administrator for Railroad Safety & Chief Safety Officer, FRA, provided an overview of an ongoing program that gauges route risk analysis and conducts audits to ensure security and safety analysis as regards Positive Train Control (PTC). Most railroads must begin implementing PTC by the end of 2020. Mr. Alexy's group still needs to determine what to do with the cybersecurity element and will reach out to railroads for their feedback. They intend to develop standards at this point rather than regulations. FRA will begin working with industry to discuss needs for technologies and determine standards. A Committee member asked if FRA was working with other agencies on the cybersecurity issue of PTC. Mr. Alexy responded that he is not aware of any current effort but will take the recommendation back to FRA.

- **Department of Transportation (DOT) Office of Intelligence, Security, and Emergency Response (OISER)**

  Mr. Richard Moore represented the Office of Intelligence Security and Emergency Response within the DOT Office of the Secretary. His position is within a Cabinet-level department providing physical security for the Secretary; engaging with FEMA for continuity of government and operations; and engaging with other DHS counterparts including TSA's Mr. Scott Gorton and Mr. Brian Conway. His office is intelligence-driven and focuses on national security. Current efforts include developing a survey to better understand the level of adoption of the National Institute of Standards and Technology (NIST) Cybersecurity Framework within the sectors. The survey was drafted last year and has been working its way through the Paperwork Reduction Act requirements. Mr. Moore hopes to be able to socialize the revised version of the survey to private sector colleagues and anticipates the final version to be distributed soon. He encouraged everyone to fill out and return the survey to DOT. Based on engagement with the Government Accountability Office, there is an ongoing effort to better understand who their stakeholders are, where they are located, what their cyber capabilities are, and how best to engage and test response with reporting and with other government partners.

  A Committee member referenced a prior commitment made between Skip Elliot of the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Sonya Proctor, AA for TSA Surface Operations, to share resources. The Committee member asked about coordination between the Department of Energy (DOE) and TSA and if there are other PHSMA programs focusing on cybersecurity because TSA is often unaware of what other agencies are doing. Mr. Moore said that he would reach out to PHMSA and relay the concern. Ms. Polly Hanson noted that the same issue has come up on the cyber issue when there are policy questions for people with FTA or FRA equities.

  A Committee member asked if DOT components worked separately on cybersecurity issues and if the information in the survey could be shared with other components. Mr. Moore said that he provides a DOT perspective at National Security Council meetings and will discuss the coordination effort further.

Mr. Gorton clarified that there is TSA coordination with PHMSA on pipeline security efforts. He recognized the line between safety and security and the gray area in-between where both DOT and TSA can work together. Getting information to the right people is part of a communications plan.

Committee Discussion

Mr. Farmer is looking forward to enhancing the Committee's strategic work through the sub-committees and achieving sustainable outcomes. The subcommittees will align very well with the Administrator's priorities such as how we can further develop some of the programs already out there and leverage capabilities in place to get information to the right people. He sees potential value in using the SISC as a transportation-security information clearinghouse including the cyber effort.

On behalf of the Committee members, Mr. Farmer proposed immediate actions to support security enhancements, notably

- An early notification information-sharing network on cyber incidents and security concerns in transportation
- Institutionalized effective practices for sharing classified intelligence by secure video-teleconference
- Protection of sensitive information on surface transportation operations and infrastructure
- Qualitative impacts of sustained, proactive security actions taken by surface transportation organizations

Mr. Farmer and Ms. Hanson asked how quickly correspondence with the Administrator can be approved so that subcommittees can start working the issues. Ms. Newhouse responded that the process should be straightforward. A Committee member asked if there are limits to who they can reach out to for subcommittee participation. Mr. Budhram responded that there are no limits as long as the group believes the people are subject-matter experts and knowledgeable in the areas being worked on.

Mr. Gorton assured the Committee that TSA will provide the right staff resources to support the subcommittees. TSA can certainly help bring in expertise from other federal agencies. Mr. Gorton noted that he hopes to have a dedicated CISA staff working with Surface Policy at TSA. Mr. Gorton recommended moving out on some of the immediate priorities in the next 30 to 60 days starting by sitting down and having some smart discussions about the realm of the possible especially with something like cybersecurity information sharing.

Aviation Transportation Security Committee (ASAC)

ASAC Chair Alterman and Vice Chair Bidwell discussed ASAC lessons learned and emphasized how the subcommittee structure is crucial to success. No advisory committee can meet four times a year and expect to accomplish everything. Once recommendations are accepted by the Administrator, the Committee should ensure there is a program in place to monitor the implementation of the recommendations.

Mr. Alterman said that in order for a government agency to make effective regulatory decisions they need data; decisions cannot be made on a whim. The ASAC discovered that, in some instances, there are no mechanisms in place to get the data. He suggested looking at how data is managed and considering if data analytics should be done by a third party. The ASAC is currently deciding the benefits for certain information to be analyzed by a third party. In order to be effective, the Committee needs the right people in the room who know how to work with TSA to get things done. Security and safety will only be successful when industry and government work together on sharing the data.

Mr. Budhram concluded the discussion saying that the *TSA Modernization Act* states that the STSAC can convene meetings with the ASAC and the maritime community. There is much to be learned from what other groups have tried and where they have succeeded.

Administrative Discussion

Mr. Budhram and HSIN-CI Representative Killian Thorin provided an update on changes and new features of the STSAC HSIN portal that include a links archive and a list for upcoming activities.

Mr. Budhram brought up a pending issue within the STSAC By-Laws—using the STSAC Chair as the tie breaker for votes. Mr. Budhram stated that for the most part the by-laws parallel the ASAC by-laws. The specific point about the Chair casting only tiebreaking votes came from *Roberts Rules of Order* to establish the Chair as impartial. Ms. Newhouse noted that we must have a quorum before the Committee can vote. A vote was held to accept the STSAC By-Laws and the motion was carried.

Future STSAC Meeting Dates

Mr. Budhram proposed three dates for future STSAC meetings in the months of April, July, and October. Because the Committee expressed potential conflicts with the dates, a survey will be posted to see what works best for a majority of the Committee.

STSAC Annual Report to Congress

Mr. Budhram made the Committee aware of the requirement for an annual report to Congress. Section 1969(d)(2) of the *TSA Modernization Act* states that "the Advisory Committee shall submit to the Administrator and the appropriate congressional committees an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year." The reporting period will cover July 2019 to July 2020. The DFO is looking forward to collaborating with the Committee to meet this legislative requirement.

STSAC Press Release

Mr. Budhram shared that TSA Public Affairs plans to issue a press release after the meeting highlighting the priorities and focus areas of the STSAC. The STSAC Chair provided input on the draft press release before the close of the meeting.

Meeting Minutes

Mr. Budhram presented a motion to adopt the October 24, 2019, Meeting Minutes and Attendee Roster. They were approved unanimously by the Committee.

STSAC Logo

Prior to the meeting, variations of the logo were presented to the Committee prior for a vote. Mr. Budhram acknowledged that Committee feedback was taken into consideration for the design to include other surface modes. The newly approved logo was presented to the Committee.

Closing Remarks

Mr. Farmer thanked Mr. Budhram and the Committee for their time and dedicated effort. He is confident that the work will reap dividends and everyone will get a chance to apply their expertise. He is looking forward to being able to focus on what the subcommittees are going to be doing, especially with regard to risk management and developing resiliency.

Ms. Hanson noted that although this meeting required taking care of a few housekeeping items, future meetings will focus on the meat of the Committee's work. She also expressed her appreciation to the AGA for hosting the meeting in their space and for providing refreshments.

Ms. Fitzmaurice said that she understands the need to have clearly defined priorities; today's conversations definitely helped solidify the Committee's concentration for the next year and a half. She appreciates the Committee's desire to move quickly and is committed to ensuring TSA provides the right expertise and resources. Appreciation was also extended to the TSA PPE Surface Policy staff for all the work in putting the meeting together. Ms. Fitzmaurice concluded with a quote from Vince Lombardi in the spirit of the upcoming Super Bowl weekend— "People who work together will win, whether it be against complex football defenses, or the problems of modern society."

Adjournment

Mr. Budhram adjourned the third meeting of the Surface Transportation Security Advisory Committee at 3:38 p.m.

Certification of STSAC Meeting Minutes

I hereby certify that this is an accurate record of the activities of the Surface Transportation Security Advisory Committee on January 30, 2020.

Thomas L. Farmer
Surface Transportation Security Advisory Committee Chair