

# Surface Transportation Security Advisory Committee (STSAC)



## Meeting Minutes

August 18, 2022



## Meeting Summary

The thirteenth meeting of the Surface Transportation Security Advisory Committee (STSAC), a non-public session, occurred virtually via WebEx due to continuing concerns linked to the coronavirus (COVID-19).

The meeting focused on subcommittee updates on their work in implementing approved recommendations to the Administrator of the Transportation Security Administration (TSA). Other subjects covered included a briefing on protection of Sensitive Security Information (SSI), threat briefing, and updates from TSA's Surface Policy Division, and Surface Security Operations.

The TSA Acting Administrator David Pekoske; Interim Executive Sponsor Eddie Mayenschein, Policy, Plans, and Engagement (PPE); the STSAC Chair Thomas Farmer and Vice Chair Polly Hanson; PPE Surface Policy Division Executive Director (XD) Scott Gorton; Security Operations (SO) Surface Operations (SO) Assistant Administrator (AA) Sonya Proctor; and SO Executive Assistant Administrator (EAA) Darby LaJoye addressed the Committee.

The government and industry co-chairs of the Security Risk and Intelligence Subcommittee, Cybersecurity Information Sharing Subcommittee, Insider Threat Subcommittee, and Emergency Management and Resiliency Subcommittee presented their respective subcommittee accomplishments, near and longer-term objectives, projected outcomes, and considerations for future Committee topics of interest.

## Call to Order

Before the meeting was called to order, STSAC Designated Federal Officer (DFO) Judith Harroun-Lord provided a brief explanation of the WebEx rules of engagement. She called the meeting to order at 12:04 p.m. EDT, proceeded with a roll call of the Committee members, and announced a quorum of members present. Additional participants were asked to email their names to [STSAC@tsa.dhs.gov](mailto:STSAC@tsa.dhs.gov) for an accurate record of attendance.

## STSAC Interim Executive Sponsor Introductory Remarks

Interim Executive Sponsor Eddie Mayenschein kicked off the meeting by commending the efforts and expertise of the STSAC Chair Tom Farmer and STSAC Vice Chair Polly Hanson and recognized the importance of the presence and support of the Aviation Security Advisory Committee (ASAC) Chair Steve Alterman, and ASAC Vice Chair Chris Bidwell.

Mr. Mayenschein expressed his appreciation to all Committee members for volunteering their time and acknowledged their dedication and hard work to support surface transportation security

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and emergency preparedness. He noted his admiration for the work that this Committee has accomplished in addition to their significant day jobs.

He was honored to introduce two new colleagues who had recently joined TSA— Operations Support (OS) Deputy Executive Assistant Administrator (DEAA) Chad Gorman, and PPE DAA and incoming STSAC Executive Co-Sponsor Kristen Simonds. Mr. Mayenschein invited them to say a few words.

DEAA Gorman thanked Chair Farmer and Vice Chair Hanson for their leadership. He noted he was in awe that the Committee consisted of volunteers who made the STSAC their priority aside from their full-time jobs and busy lives. He highlighted conversations with Mr. Mayenschein and Mr. Gorton on the significance of the STSAC. He understood a lot had been accomplished since inception, and looked forward to learning more. Mr. Gorman noted that he was eager to hear the progress and challenges from the subcommittee speakers and briefings.

PPE DAA and incoming STSAC Executive Co-Sponsor Kristen Simonds gave a brief synopsis of her background and noted that she was pleased to work on surface transportation security issues again. She echoed Mr. Gorman's eagerness to hear the subcommittee's briefings and hoped to meet everyone in person soon.

Interim Executive Sponsor Mayenschein explained that he and TSA Acting Administrator Pekoske agreed to transition the STSAC Executive Sponsor role into a co-sponsorship for both advisory committees. DAA Kristen Simonds and Executive Director Scott Gorton would be the Executive Co-Sponsors for the STSAC going forward.

Interim Executive Sponsor Mayenschein then introduced TSA Acting Administrator David Pekoske for opening remarks.

### **TSA Acting Administrator<sup>1</sup> Opening Remarks**

TSA Acting Administrator David Pekoske expressed his sincerest appreciation to everyone for taking time out of their busy schedules to participate in the important work of the STSAC. He expressed regret that he had been called away to attend another meeting this afternoon and noted that Security Operations Executive Assistant Administrator Darby LaJoye will deliver closing remarks.

Acting Administrator Pekoske acknowledged the substantial amount of work the STSAC had completed over the last year and emphasized its importance in the context of the challenges of evolving threats to surface transportation security evolving – especially their becoming more complex, distinctly in cybersecurity. He recognized PPE Surface Policy Division Executive Director Gorton's recent appointment as STSAC Executive Co-Sponsor, and the extraordinary amount of work he had done with Security Operations Assistant Administrator (SO AA) Sonya Proctor and their teams in collaborating with industry to develop quality security directives (SDs) that will ensure cybersecurity resiliency for the nation's critical pipelines. He voiced how proud he was of the newly-released Pipeline Security Directive-2021-2C, also known as Pipeline

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<sup>1</sup> Mr. David Pekoske was Acting Administrator at the time of this meeting. He was confirmed by the Senate on September 15, 2022, as the Administrator of the Transportation Security Administration.

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SD2C. Acting Administrator Pecoske appreciated the tremendous amount of collaborative work that took place between pipeline industry stakeholders and federal partners, including the Cybersecurity and Infrastructure Security Agency (CISA) and the Department of Energy (DOE) to accomplish this important outcome. He pointed out that the partnership with CISA led to stronger cybersecurity now that industry companies are afforded the opportunity to meet the requirements based on their own business models. Acting Administrator Pecoske understood that in industry every company is different, and Executive Director Gorton and AA Proctor had developed an approach to incorporate flexibility with those differences in mind.

In addition, Executive Director Gorton and AA Proctor are currently working with industry partners to address other areas within the Transportation Sector to increase cybersecurity resilience throughout the entire system. For instance, TSA is developing a Freight Rail SD similar in content to the Pipeline SD2C. He stated with these changes, the nation's transportation systems will be the most resilient of the sixteen Critical Infrastructure Sectors, voicing how proud everyone should be with their efforts. Acting Administrator Pecoske recognized CISA as an important component to this success. He discussed his plans to speak with partners about TSA's accomplishments and collaboration with CISA on this effort.

Acting Administrator Pecoske recognized and expressed appreciation to the Owners/Operators and noted that, during his six to eight-month tour of visiting surface transportation systems, he understood the tremendous amount of work Owner/Operators perform on a daily basis. He believed stronger connections with stakeholders have been made throughout all the work they accomplished together.

Acting Administrator Pecoske continued his remarks by acknowledging the STSAC's inaugural members, commending them for their dedication and valuable contributions to the Committee. He looked forward to his continued partnership with those inaugural members who have chosen to reapply to the STSAC and thanked the inaugural members who had chosen not to continue, wishing them the very best moving forward. He appreciated everyone raising their hands to volunteer, and hoped that all had found the experience to be professionally and personally rewarding, as it has been advantageous to the transportation system and nation. He recognized the STSAC's inaugural Chair Farmer and Vice Chair Hanson for their cooperation and support. He also praised DFO Harroun-Lord for her hard work, leadership, and dedication to the STSAC. He highlighted AA Proctor as a real leader and commended her efforts.

Acting Administrator Pecoske concluded by recognizing PPE DAA and incoming STSAC Co-Sponsor Simonds, briefly discussing her accomplishments throughout her TSA career. He voiced a terrific team existed at TSA headquarters with great people.

DFO Harroun-Lord thanked Acting Administrator Pecoske and then introduced Chair Farmer and Vice Chair Hanson for their opening remarks.

### **STSAC Chair and Vice Chair Welcome and Introduction of the Subcommittees' Updates on Implementation of Approved Recommendations**

In the interest of allowing more time for the subcommittees to provide updates, Chair Farmer and Vice Chair Hanson decided to forgo their opening remarks. Chair Farmer welcomed the ASAC Chair and Vice Chair and acknowledged they had developed a good partnership while continuing

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to serve their respective transportation sectors. He thought that Ms. Simonds experience would prove beneficial, particularly because of the importance of sharing information across the border with government and industry partners in Canada with operations and infrastructure on both sides of the international border. He looked forward to this afternoon's discussions.

He advised the subcommittee briefers to emphasize accomplishments and describe challenges to expedite their reporting efforts, requesting they outline future activities and next steps for the benefit of everyone participating in the call. Just saying that everything is going well wouldn't prove helpful. If things were off track, the subcommittees should discuss that subject, raise questions and concerns, and provide suggestions. In this vein, he noted that the STSAC brings together a tremendous amount of talent and expertise that can and should be leveraged for solutions to advance and sustain progress in bringing the approved recommendations to fruition.

DFO Harroun-Lord thanked Chair Farmer and Vice Chair Hanson and introduced Mr. John Patch, Mr. James Cook, and Mr. Darnell Young to present their Security Risk and Intelligence Subcommittee briefing.

### **Security Risk and Intelligence Subcommittee**

Security Risk and Intelligence (SR&I) Subcommittee Government Co-Chair John Patch led the presentation. He was supported by SR&I Subcommittee Industry Co-Chair James Cook and SR&I Subcommittee DFO Darnell Young.

Mr. Patch's briefing addressed three STSAC SR&I recommendations:

1. Request establishment of a National Intelligence Manager (NIM) for surface transportation.
2. Use private sector intelligence requirements to guide federal intelligence collection and inform intelligence analysis and products.
3. Approve and implement the Surface Information Sharing Cell (SISC) Charter.

Regarding the first recommendation, "*Request establishment of National Intelligence Manager (NIM) for surface transportation*": the designation of a new National Intelligence Manager is a significant undertaking requiring coordination outside of TSA that occurs at the National Security Council (NSC) and Director of National Intelligence (DNI) levels of activity. In order to influence the decisions on that level, the Intelligence and Analysis (I&A) Director continued favorable discussions with DHS Chief of Intelligence staff. The ongoing effort and goal aim to socialize the STSAC NIM request with the endorsement from DHS, passed formally through the Chief Intelligence Officer (CINT) to the Office of the Director of National Intelligence (ODNI). Prior to the NIM request being sent to ODNI, the SISC Charter needs to be signed. The Subcommittee awaits an industry and government signed SISC Charter under DHS National Infrastructure Protection Plan (NIPP)/Presidential Policy Directive-21 (PD-21) sponsorship. The TSA Policy, Plans, and Engagement (PPE) staff continued to clarify language on the SISC Charter and are coordinating with agencies for signatories on the charter. Mr. Patch reported that, if the SISC was fully operational within the next year and if a decision for NIM was still pending, TSA would continue to capture and forward surface intelligence requirements to the ODNI, the Intelligence Community (IC), the DHS Intelligence Enterprise (IE), and to the "Non-Title 50" (NT-50) agencies.

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Regarding the second recommendation, “*Use private sector intelligence requirements to guide federal intelligence collection and inform intelligence analysis and product*”: Mr. Patch reiterated that TSA must pass intelligence-related requests to ODNI through DHS CINT, since TSA is not an intelligence agency. Consequently, TSA has long been an advocate in support of industry intelligence needs to inform IC and DHS IE agency analysis and production, but ODNI is the statutory authority to oversee such activity and is the right organization to review and make a decision on the STSAC request.

The Subcommittee has continued to promote, increase, and expand socialization of the surface transportation industry’s intelligence needs and interests by continuing to build coalitions with the national intelligence forum. Mr. Patch shared good news that the DHS Chief Intelligence staff had agreed to show more visibility to surface transportation security priorities and would bring those requirements up to the national level forum that represents all DHS components and national intelligence for collections and requirements. However, he noted without a SISC Charter, if they approach the action as a single agency TSA effort, it would be considered as less significant. Mr. Patch stated collaborative teamwork was required to push the SISC Charter forward.

Regarding the third recommendation, “*Approve and implement the Surface Information Sharing Cell (SISC) charter*”: Mr. Patch reported the Subcommittee was coordinating with PPE to secure SISC Charter signatories. PPE staff was focused on clarifying the language on the SISC membership and participation. He noted when the charter was completed, the Subcommittee would be moving aggressively to establish membership. He reported there is a significant clause in the charter that gives industry Sector Coordinating Councils (SCCs) approval to bring in new industry members and new agency partners. He noted there would be governance and oversight to ensure Sensitive Security Information (SSI) level information could be discussed freely and industry partners could verify who is in the room with them.

Mr. Patch reported, as they wait for the signatories on the SISC Charter, the Subcommittee was creating a list of likely prospective membership based on who has a secret clearance. He mentioned that, if a member does not have a secret clearance, they would work with them to obtain one.

He happily announced that I&A approved an additional J-band position for which the hiring process would begin in September 2022. Additionally, a newly detailed Field Intelligence Officer (FIO) is approved to assist the SISC for six months who would bring an important lens on the field side of intelligence sharing with the divisions across TSA I&A.

Mr. Patch highlighted the 15-minute, SSI level, bi-weekly SISC Intel-Sharing WebEx briefs are now held each Tuesday and Thursday morning. He anticipated the SISC Intel-Sharing WebEx will increase to five days a week once the second full-time staff joins the team. He announced a SISC Classified Industry Day – a first for surface transportation at TSA – is scheduled to be held on September 22, 2022.

Mr. Patch introduced Executive Director Scott Gorton who provided a status update on the SISC Charter. Mr. Gorton anticipated that the SISC Charter would be signed before the next meeting and that, due its importance, feedback had been sought from the Co-Sector Risk Management Agencies (Co-SRMA.) He reported the feedback on the SISC Charter has been adjudicated and

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is being cleared with TSA Office of Chief Counsel. Mr. Gorton expected signatures in place between Government Coordinating Councils (GCCs) and Chairs of the respective Sector Coordinating Councils (SCCs) soon. He reassured everyone that getting the SISC Charter cleared and signed was his top priority. Mr. Patch thanked Mr. Gorton and then turned it over to Ms. Harroun-Lord for any questions.

The SR&I Subcommittee opened the floor for questions or comments:

Chair Farmer commended Mr. Patch for his thorough and informative briefing and Mr. Gorton on the status of the SISC Charter. Chair Farmer asked Mr. Patch what engagement happens with the organizations and the representatives of the surface modes in putting the membership requirements together. Mr. Patch responded that the SISC relies on the collaborative efforts of the STSAC and the SISC to lay out each priority for its intelligence requirements and to adjust that process if needed. He noted the September 2022 goal is to deliver a list of validated and vetted requirements to ODNI and other agencies.

Chair Farmer noted the SCC was tasked to provide key intelligence questions for DHS I&A as well and asked how that data would be integrated. Mr. Patch responded that TSA I&A works in close coordination with DHS I&A Private Sector and had requested they incorporate intelligence requirements into the key intelligence questions (KIQs) and integrate them when KIQs overlap. While currently limited to five questions, KIQs could be increased for supplementary requirements. He envisions the same process for the SISC.

In response to Chair Farmer requesting an opportunity for the Security, Risk, and Intelligence Subcommittee and Cybersecurity Information Sharing Subcommittee to review the draft TSA memo on the STSAC request for a surface NIM, Mr. Patch stated he would be happy to work with the STSAC in the early stages of the draft. He envisioned the memo would be available for approval within 30 days of the SISC Charter being approved and signed.

Lastly, Chair Farmer addressed Executive Director Gorton and the SISC Charter update, noted there seemed to be significant changes to the content of the SISC Charter, and requested a copy of the current version for industry review. Mr. Gorton assured Chair Farmer that he would receive a copy for review.

Vice Chair Hanson commended the bi-weekly SISC Intel-Sharing WebEx, noting they have well received compliments from attendees who appreciate the access to the information provided.

### **Cybersecurity Information Sharing Subcommittee**

Cybersecurity Information Sharing (CIS) Subcommittee Industry Co-Chair Norma Krayem led the presentation. She was supported CIS Subcommittee DFO Lee Allen.

Ms. Krayem highlighted the new change in direction for the Subcommittee and the two recent meetings in the last two months. The Subcommittee has shifted to focus on new priorities including helping Owners/Operators understand how the new CISA mandatory cyber incident reporting law will impact surface transportation organizations subject to TSA's Security Directives mandating cybersecurity measures and actions. This approach included the Subcommittee inviting a guest speaker from CISA to discuss how the new law would be

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implemented through the Notice of Proposed Rulemaking (NPRM) process and offered CIS members the opportunity to ask questions of the CISA representative. She also indicated that CISA planned to release a Request for Information (RFI) to get feedback and information disseminated broadly from the communities of interest in the legislation and the mandated regulation on cybersecurity incident reporting. Ms. Krayem thanked Mr. Weston for his efforts to invite the speaker and noted he did an excellent job with coordination and updates.

Ms. Krayem also discussed the CISA Joint Cyber Defense Collaborative (JCDC), which was created as a sub-group within industry for CISA to share cyber threat indicators and defensive measures. She also discussed the new Industrial Control Systems (ICS) JCDC as well. Ms. Krayem framed two questions for the CIS group to discuss and review:

1. The JCDC is described as a group of private sector companies that have an in-depth system to track, monitor, and identify cyber risks. However, currently there are no transportation entities in the group – a gap which needs to be evaluated.
2. The CIS needs to understand the difference between the information being shared in the SISC vs. the JCDC.

Ms. Krayem also indicated that the large-scale changes in cybersecurity information sharing, including the TSA Security Directives and planned regulations, mean the CIS is evaluating the need to develop potential new recommendations. The Subcommittee planned to discuss and frame more options in early fall and would decide on how to move forward. She anticipated having options ready in time to present at the next quarterly meeting and was hopeful that the SISC Charter would be signed to continue the progression on their existing recommendations regarding the SISC.

The CIS Subcommittee opened the floor for questions or comments:

Chair Farmer commended Ms. Krayem, Mr. Weston, and Mr. Allen on their proactive efforts on how best to proceed while waiting on determinations by other entities. He noted the Subcommittee could possibly influence the outcome on proposing how incident reporting would look for surface transportation agencies. He emphasized that the SD process was easier to amend than a regulatory action.

The Cybersecurity Information Sharing Act of 2015 specifically authorizes the type of information sharing that the CIS seeks to implement and provides protections for organizations that report and reasonably use cybersecurity information against anti-trust and civil liability. Chair Farmer conveyed one of the objectives for the CIS Subcommittee is to craft the means for surface transportation organization to report significant cybersecurity concerns and trigger sharing to inform awareness, vigilance, and protective actions across the modes of transportation through the SISC. He would like to avoid situations in which organizations are reluctant to share cybersecurity information through the SISC due to concerns that the federal mandate, whether in the Security Directives or a future regulation, preclude or inhibit such initiative because the information now belongs to the government. Indications of this effect of the mandates on cybersecurity incident reporting are clear in questions being raised on the effects of the Security Directives.

Ms. Krayem thanked Chair Farmer and noted the comments he made were very important. She stated they needed to ensure the Cybersecurity Information Sharing Act of 2015 information-

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sharing protections served as a two-way street, particularly with the TSA directives in place, and highlighted the need to ensure that cyber threat information was also coming back from TSA and CISA to owners/operators.

Mr. Gorton indicated he understood Chair Farmer's concerns. He reported CISA and TSA have a good process for passing information from the SDs but needed to do a better job of discussing it internally with the expectation for analysis to discern trends, indicators, and other information going back to reporting parties/communities. He welcomed the STSAC's input on what they wanted to see and what they found valuable, such as tactics, techniques, or procedures or anything beyond.

Chair Farmer thanked Mr. Gorton for his updates. He urged CISA and TSA to broaden the conversations to include the STSAC and reiterated the need to provide information back to surface transportation organizations. He also urged Executive Director Gorton to emphasize this priority with CISA. Then CISA could apply this template to other sectors as well.

DFO Harroun-Lord thanked everyone for their updates and questions, and introduced Mr. Scott Carpender and Mr. Joseph DeLuca to present their Insider Threat Subcommittee briefing.

### **Insider Threat Subcommittee**

Supervisory Air Marshal and Insider Threat (InT) Subcommittee Government Co-Chair Scott Carpender thanked Joseph DeLuca InT Industry Subcommittee Co-Chair for his continued collaboration and partnership.

Mr. DeLuca reported the InT Subcommittee's meeting was scheduled for September 1, 2022, to review the recommendations and the status of the implementations. He expressed his utmost appreciation for Government Co-Chairs Scott Carpender and Warren Haines and InT Subcommittee DFO Dean Walter. He noted a detailed written report summarizing the Subcommittee's progress and challenges to date would be submitted for the record and the meeting minutes.

Mr. Carpender noted the InT Subcommittee's eight recommendations are complex and complicated. Nevertheless, the members have made tremendous progress on all the recommendations. The purpose of the briefing is to focus on the eighth recommendation, "*Maintain a consolidated insider threat information resource for transportation on the Homeland Security Information Network (HSIN)*" and provide all participants with a visual presentation of the Insider Threat Library on HSIN.

For this purpose, Mr. DeLuca introduced Faridha Salama of the TSA PPE Surface Policy Division, who presented the demonstration of the Surface Transportation Systems Sector (TSS) Insider Threat Library HSIN Site to the Committee.

The demonstration covered five topics:

1. Build Your Insider Threat Program
2. Insider Threat Quick Reference Material
3. Insider Threat Intelligence Products



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4. Insider Threat Best Practices and Reports
5. Insider Threat Training, Case Studies, and Reference Links

Mr. Carpender thanked Ms. Salama and highlighted the Insider Threat Library as an important repository for their information-sharing work, stating they would discuss comments and feedback they receive from the pilot initiative.

The InT Subcommittee opened the floor for questions or comments:

Chair Farmer reflected on when the STSAC established the Subcommittee in 2019 and noted one of the priorities from the beginning was helping organizations boost awareness on insider threat based on indicators from past activities and effective practices. Chair Farmer stated the HSIN site marks a significant step to obtaining that goal. He commended the Subcommittee for their efforts and hard work as a team.

Vice Chair Hanson voiced her excitement about the presentation and expressed her appreciation for the Insider Threat Subcommittee, stating she was looking forward to accessing the library.

### **Emergency Management and Resiliency Subcommittee**

Emergency Management and Resiliency (EM&R) Subcommittee Government Co-Chair Chris McKay led the briefing. He was supported by EM&R Industry Co-Chair Robert Gatchell and EM&R Subcommittee DFO Darrin McGreevy.

Mr. McKay was happy to announce the formal closure of two recommendations is in process. He noted the completed recommendations were centered on pandemic preparedness, lessons learned, and response to COVID-19 across all surface modes of transportation.

He reported two EM&R Subcommittee meetings were held over the last several months to suggest and identify new topics and potential actions. Mr. McKay introduced EM&R DFO Darrin McGreevy to discuss two new topics and potential actions suggested by industry partners within the Subcommittee.

The two new topics and potential actions were:

1. Create a digital library of emergency management and resiliency related documents across all modes of transportation. The library would capture high level documents that are pertinent to transportation and easily and readily accessible to transportation partners. The outcome would be to improve awareness of relevant resources to assist transportation operators when building upon or improving their emergency management and resiliency capabilities.
2. Conduct a webinar to include representatives of all modes of surface transportation to solicit input on emergency management and resiliency industry challenges, capturing topics for future subcommittee work, and exchanging ideas on options for progress. The outcome would be to identify relevant topics for future subcommittee work across all modes of surface transportation.

The EM&R Subcommittee addressed questions:

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Chair Farmer congratulated the group for the completion and closure of their two recommendations. Secondly, he noted one of the challenges in information sharing is the plethora of materials being shared and appreciated the Subcommittee's idea to create a portal to consolidate and disseminate emergency management and risk related documents for surface transportation. Lastly, he would like to see a wide dissemination of invitations for industry and government to join and provide feedback when the webinar is scheduled. He thanked the group for all their hard work.

DFO Harroun-Lord thanked Mr. McKay and Chair Farmer. Ms. Harroun-Lord informed participants that Ms. Holly Dickens and Ms. Deirdre O'Sullivan would present the SSI Protection Briefing after the 10-minute break.

### BREAK

#### **SSI Protection Briefing**

Senior Program Analyst for the Security and Administrative Services, Sensitive Security Information (SSI) Program Holly Dickens demonstrated where to find the SSI training on the public facing TSA.gov website at <https://www.tsa.gov/for-industry/sensitive-security-information>.

The SSI page provided four sections:

1. What is SSI?
2. What should I know about SSI Protections?
3. Resources
4. FAQ

Ms. Dickens briefly and thoroughly discussed each section. She noted that questions not in the "FAQ" section can be emailed to [SSI@tsa.dhs.gov](mailto:SSI@tsa.dhs.gov).

Ms. Dickens opened the floor for questions or comments:

Chair Farmer asked what was the standard for sharing SSI. Ms. Dickens responded it was only for people with a need to know and who are authorized to review SSI. She noted whenever an individual does not know what SSI is, it is always good to put a clause in their contract, provide training, and/or distribute a best practice guide.

DFO Harroun-Lord thanked Ms. Dickens for her insightful presentation and introduced TSA I&A analysts to present the Threat Briefing.

#### **Threat Briefing**

Analysts with TSA's Intelligence and Analysis Office provided current threat briefings to the STSAC membership. The I&A analysts presented an overview of terrorist threats to the surface modes of transportation in the United States and then discussed current cyber activities, cyber actors' intent and capability to conduct attacks, and historic cyberattack trends that have affected U.S. transportation.

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### TSA PPE Surface Policy Division Update

Surface Policy Division Executive Director and newly-appointed STSAC Executive Co-Sponsor Scott Gorton thanked Acting Administrator Pekoske for his kind words about the Pipeline SD2C that was issued on July 21, 2022. The revised SD takes an innovative, performance-based and outcome-focused approach, allowing knowledgeable people to make the right decisions on how best to achieve security outcomes within their network architecture and operations. Executive Director Gorton stated risk-based decisions had been created with the help of pipeline Owner/Operators. He reported the SD was built around three primary security outcomes.

- Owner/Operators would submit a cybersecurity information plan to TSA for review and approval, detailing how they would accomplish and sustain the security outcomes.
- Once approved, the plan would provide a benchmark for compliance.
- Next, TSA would conduct an evaluation to ensure Owner/Operators were abiding and progressing on their plan.

Mr. Gorton reported Owner/Operators were in the process of preparing their plans. He mentioned multiple briefings had been held to set them up for success.

The assessment plan was created to test and measure the effectiveness of security measures that had been deployed. The decision for the two-year allotted time to review cybersecurity architecture design was suggested by Owner/Operators and other requirements remain suggestive in order for Owners/Operators to choose their methods based on their system environment.

Executive Director Gorton's current work revolved around revising SDs for freight railroads, a publicly stated potential target for the nation. Select railroad CEOs were given more insight on freight railroad threats after a briefing was held with the National Security Council (NSC) at the White House complex on August 4, 2022. Another briefing would be held with the rail Chief Information Security Officers and cybersecurity leads at TSA headquarters in early September.

He reported the Freight Railroad SD will be similar in format to the Pipeline SD2C. A draft of the Freight Railroad SD had been disseminated to the industry partners and interested government agencies. TSA received feedback from the Association of American Railroads (AAR), Office of General Counsel (OGC), and the Department of Transportation (DOT). The comments received will be adjudicated and the SD will be amended, as appropriate.

Executive Director Gorton reported in the next six to twelve months, TSA would be focused on developing regulations for pipelines, freight railroads, and potentially other modes of public transportation. The first step in the regulation process would be to create an Advanced Notice of Proposed Rulemaking (ANPRM) draft. He noted the ANPRM would be distributed in mid-October, signaling TSA's intent to issue a regulation. The ANPRM would be available for comment for at least 30 days. He noted the ANPRM will afford an opportunity for regulated parties to provide feedback for consideration in the development of the eventual Notice of Proposed Rulemaking (NPRM). The ANPRM and NPRM would be centered around the development and establishment of Cybersecurity Risk-Management Programs. The Cybersecurity Risk-Management Programs would build on the cybersecurity SDs.

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Executive Director Gorton reported training might present another area for regulation. He noted that requirements for security-awareness training currently exist for security-sensitive employees in some surface modes. He stated the objective is not to create conflicting or duplicative requirements, but rather that the ANPRM and NPRM would provide structure and an appropriate venue to raise concerns and questions.

Executive Director Gorton highlighted the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) and highlighted the collaboration with the Cyber Incident Reporting Council to de-conflict and harmonize federal reporting requirements across the federal ecosystem. He stated that there would be subtle differences taken into consideration in creating a baseline requirement. He noted CISA planned to release a Request for Information (RFI) with the intent to disseminate information broadly to receive feedback.

Mr. Gorton opened the floor for questions and comments:

Chair Farmer anticipated that a newly forming security requirements subcommittee would contribute on these issues and wondered where the request to establish the group now stands. Numerous STSAC members had expressed interest in joining that group. Mr. Gorton noted that working across the department had changed some timelines. They adjusted accordingly with intent to have a formal letter soon outlining what he just described to assist with the development of elements for a rulemaking.

Vice Chair Hanson sought direction for the process to obtain security clearances. She noted the topic was brought to her attention at a recent CISA meeting and industry received direction to contact federal partners. Mr. Gorton advised TSA would sponsor private sector individuals at the Secret clearance level for those who qualify and suggested interested individuals send an email request to [TSA-Surface@tsa.dhs.gov](mailto:TSA-Surface@tsa.dhs.gov).

Regarding regulations and release dates for the ANPRM, NPRM, and the final version Ms. Denise Krepp mentioned how she assisted in defining the requirements specified in the *Implementing Recommendations of the 9/11 Commission Act of 2007* (9/11 Act) many years ago, which gave her some experience with the rulemaking process.

Mr. Gorton described this as a long timeline. These details would appear in the *Federal Register* notice—anticipating the ANRPM would be released in mid-October 2022, the NPRM possibly in June or July 2023, and adding that a public meeting would be held for the NPRM only. Referencing the 9/11 Act requirements, he had worked with the Office Management and Budget (OMB) to address worker vetting and understood the long process. Ms. Krepp appreciated his response.

DFO Harroun-Lord thanked everyone and introduced Chair Farmer, Vice Chair Hanson, and XD Gorton to present the Committee Administrative Discussion.

### **Committee Administrative Discussion**

#### ***Committee Vote for May 12 Meeting Minutes***

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Chair Farmer led the Committee vote to accept the May 12 Meeting Minutes as distributed to members in advance of the meeting. Mr. Farmer requested a motion to accept the May 12, 2022, Meeting Minutes. Vice Chair Hanson moved to accept the minutes and the motion was seconded by Mr. Finnegan. The motion carried by voice vote and the minutes were accepted.

### *Vote of STSAC By-Laws*

Chair Farmer led the Committee vote to accept the amended STSAC Bylaws as distributed to members in advance of the meeting. Mr. Farmer requested a motion to accept the Bylaws. Ms. Hanson moved to accept the Bylaws and the motion was seconded by Mr. Loftis. The motion carried by voice vote and the STSAC Bylaws were accepted.

### *STSAC Charter Update*

Executive Director Gorton and DFO Harroun-Lord opened the meeting to any comments or questions regarding the revised STSAC Charter as circulated for Committee input in advance of the meeting. Hearing none, Ms. Harroun-Lord said she would route the STSAC Charter to Acting Administrator Pekoske for his approval and signature. Ms. Harroun-Lord introduced Vice Chair Hanson to discuss the status of the 2021 Annual Report and noted the 2020 Annual Report was located on tsa.gov for reference.

### *Annual Report for 2021*

In accordance with the TSA Modernization Act of 2018, Vice Chair Hanson reported the STSAC submits an annual report detailing their priorities, activities, and accomplishments to the TSA Administrator and to multiple committees of the United States Congress, noting that the 2020 STSAC Annual Report was located on tsa.gov. Chair Farmer discussed the progress of the Annual Report for 2021 that would detail priorities, activities, and achievements of the 18 recommendations and would include activities and accomplishments such as the SISC Charter and the closure of two EM&R recommendations. Chair Farmer and Vice Chair Hanson wanted to ensure the language captured in the annual report reflected the four subcommittees' efforts and what the STSAC accomplished as a whole. They anticipated the Annual Report for 2021 would be finalized for review in the near future.

### *Membership Selection*

DFO Harroun-Lord summarized the Membership Selection process. She reported a *Federal Register* notice (FRN) was published on June 17, 2022, and closed on July 18, 2022. TSA received applications from twelve existing members applying for reappointment and fourteen new applicants. TSA would use the established Senior Executive review applicant evaluation and selection process to identify candidates for recommendation to the TSA Administrator for consideration. TSA estimated the Administrator would officially notify the candidates with appointment letters the week of October 17, 2022. Lastly, she announced they anticipated introducing and seating the appointees at the November 17, 2022, STSAC meeting.

### *Chair and Vice Chair Selection Process*

To offer the STSAC an opportunity to continue with the current leadership or install new people, Executive Director Gorton noted TSA would follow the same process as that for the inaugural

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nomination of the Chair and Vice Chair. TSA plans to collect names of nominees interested in serving as Chair and Vice Chair in October and the STSAC will conduct their selections after the November, 2022 meeting.

Mr. Gorton expressed his sincere gratitude to Chair Farmer and Vice Chair Hanson for their leadership, dedication, effort, and expertise since the inception of the STSAC in 2019. Mr. Gorton opened the meeting for questions or comments.

Chair Farmer acknowledged the amount of talent, expertise, and diverse experience the Committee has and encouraged members to consider this opportunity. DFO Harroun-Lord thanked Mr. Gorton and Chair Farmer. She opened the meeting for questions or comments, hearing none she turned it back to Chair Farmer to lead the Open Discussion.

### **Open Discussion**

Chair Farmer encouraged participants to ask questions, address concerns, or discuss matters that had not been covered.

He asked the InT Subcommittee for more context on the fourth recommendation and the scope of the objective—define parameters for assessing the level of potential insider threat risk posed to organizations in the surface transportation modes. Mr. Walter explained they were refining the approach, not the objective. He would reach out to the Enrollment Services and Vetting Program (ESVP) office for specifics and get back to Chair Farmer. Chair Farmer thanked Mr. Walter and opened the meeting to questions, concerns, and/or comments. There were no other proposed questions, concerns, and/or comments.

Chair Farmer expressed his appreciation to all members of the Committee for their support, expertise, experience, and commitment to service. He acknowledged those members who had applied for reappointment through the recent FRN solicitation. He recognized and commended the service and dedication of those members who elected not to reapply—Mr. Michael Beltranena, Mr. Jason Louis, Mr. Greg Bretzing, Mr. Joseph DeLuca, Mr. Alfred Hancock, Ms. Natalie Jones-Best, Ms. Eileen Phifer, Ms. Robin Kinsley, Ms. Denise Krepp, Mr. Jacob Pierce, Ms. Alexandra Rosen, and Mr. Jonathan Todd. Mr. Farmer stated TSA had been honored to have them as inaugural members of the STSAC and appreciated each member for doing exceptional work within the STSAC to ensure the nation's critical infrastructure remained safe, secure, and resilient. He passed along his thanks to both his industry and government colleagues.

There were no other questions, concerns, and/or comments. DFO Harroun-Lord thanked everyone and introduced AA Sonya Proctor to present the TSA SO Surface Operations Update.

### **TSA SO Surface Operations Update**

Surface Operations (SO) Assistant Administrator (AA) Sonya Proctor appreciated Chair Farmers sentiments to both the inaugural members who had elected to depart from the Committee and to those who had chosen to reapply.

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AA Proctor briefed on the same topics as Executive Director Gorton through an operational perspective.

She mentioned that Executive Director Gorton had discussed the evolution of the SDs within surface transportation security with the first series of pipeline SDs presented last year that spearheaded the success of Pipeline SD2C. AA Proctor expressed appreciation for the support and collaboration from pipeline Owners/Operators who worked diligently to ensure the success and maintenance of the SDs. The compliance inspections were conducted with ease, attributed to good communication, advance notice, and planning.

AA Proctor reported the first series of SDs were managed at TSA Headquarters, however there was a new process that included five Regional Security Directors (RSDs) located in New York, Atlanta, Chicago, Dallas, and Seattle, respectively, who would oversee SD2C and the upcoming Freight Rail SDs. The field personnel aimed for constant and clear communication between government and Owners/Operators. The inspectors began establishing contacts with pipeline Owners/Operators in the beginning of August. Ms. Proctor noted a follow-up meeting would be held with pipeline industry partners on the August 23, 2022, to discuss any unresolved issues to ensure a smooth transition.

TSA Surface Operations has the responsibility for oversight of the recent Pipeline SD2C and upcoming SDs for freight rail. Stakeholder calls began the first week of August with outreach to covered companies and already established pipeline community contacts. Industry received introductions to the team members and a follow-up synchronizing session would take place on August 23 to ensure that, as duties transitioned from TSA headquarters to field personnel, no loose ends or unanswered questions remained. The RSDs and the Pipeline Security Assessment Team (PSAT)) aimed for constant communication to ensure industry fully understood processes and who they could reach out to, focusing on the pipeline side at present.

AA Proctor reported that, since the introduction of the freight railroad SDs in December 2021, TSA had conducted five inspections to date and had fourteen more scheduled with the assistance and cooperation of Owners/Operators. She credited the ease with the new security measures and processes dated back to their well respected relationship with pipeline, freight railroad, and mass transit stakeholders.

Due to the prevailing cyber threat environment for transportation, AA Proctor and her team would remain focused on critical cyber systems for surface transportation infrastructure and operations. To keep abreast of the evolving cyber threat, TSA has created new cyber courses for Transportation Security Inspectors (TSIs) that would provide a strong cyber foundation to build upon. Also, TSA provided in-person executive cyber courses at TSA Headquarters for executives to become more conversant about the threat at hand.

Surface Operations added a Cybersecurity Division and a Pipeline Division to provide the best support and partnership to industry. TSA would provide continuing education to current personnel as well as to hire subject matter experts (SMEs). AA Proctor felt fortunate for recently adding cybersecurity SMEs whose expertise supported the development of new SDs for both pipeline and freight railroad and who stood ready to review the cybersecurity implementation plans with industry partners.

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AA Proctor concluded her briefing and opened the meeting for any questions. Hearing none, DFO Harroun-Lord thanked AA Proctor and introduced Chair Farmer and Vice Chair Hanson for the Subcommittee Activity Recap.

### **Subcommittee Activity Recap**

Chair Farmer commended the exceptional work industry voting members and government officials have accomplished in unified efforts through the STSAC and its subcommittees.

### ***SR&I Subcommittee Recap***

Chair Farmer noted the accomplishments of the Subcommittee to include the SISC SSI level, bi-weekly SISC Intel-Sharing WebEx briefs that would increase to five days a week once the second full-time staff joins the team. The Subcommittee made substantial progress on staffing with a full-time senior intelligence position and FIO position approved to help alleviate some of the workload Mr. Young prepares and organizes on a day-to-day basis. The Subcommittee anticipated those positions would be filled in September.

The key impediment to progress is the delay in finalization and signing of the SISC Charter. The SISC Charter underwent many revisions since this past summer with substantive edits integrated into it—and the industry and government signatories have been identified. Chair Farmer commended Mr. Gorton and the SR&I Subcommittee for their hard work to get the SISC Charter signed. Three out of the four SR&I recommendations remained ongoing and were close to completion.

### ***CIS Subcommittee Recap***

Chair Farmer noted the full implementation of the SISC Charter will leverage and advance the substantial amount of work and dedication maintained by the CIS Subcommittee. After the SISC Charter is signed, the Subcommittee would work with counterparts in the government to promote a more effective organizational structure for intelligence support that would include socializing the STSAC NIM request with the endorsement from DHS, passed formally through the Chief Intelligence Officer (CINT) to the Office of the Director of National Intelligence (ODNI).

The members recognized the effects of the changing environment, not only due to heightened threats and cybersecurity concerns, but also the requirements of new legislation and the TSA Security Directives as well as requirements being set by other components of the federal government focused on reporting. The range of mandates in effect and planned is daunting for industry organizations seeking to implement and sustain effective protective measures and actions to counter evolving threats and mitigate cyber risk.

To alleviate these concerns, the CIS Subcommittee has maintained a forward leaning posture and set parameters for what cybersecurity incident reporting, analysis, and sharing of the results of analyses should look like for surface transportation. The subcommittee has advocated for an early notification network, through the SISC, for timely and wide dissemination of alerts and advisories on reported significant cyber threats, incidents, and security concerns—leveraging available information to produce opportunities for prevention and risk mitigation. An important of these efforts is leveraging the Cybersecurity Information Sharing Act of 2015, an underused



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federal statute that expressly authorizes the kind of proactive information sharing the subcommittee seeks to establish across surface modes and affords supportive anti-trust and civil protections.

As an integral element of its comprehensive approach, the CIS Subcommittee remains committed to reviewing options to secure Transportation Sector representation in CISA's Joint Cyber Defense Collaborative (JCDC). The JCDC fosters public and private sector partnerships to drive collective action for risk mitigation across the cybersecurity community. Chair Farmer noted the JCDC lacked surface transportation representation – and called attention to transportation being the only sector operating under the exercise of emergency authority, with the issuance of Security Directives, due to assessments of the prevailing threat environment.

### ***InT Subcommittee Recap***

Two other recommendations are nearing completion.

- Recommendation 1: *Expand the newly established Insider Risk Mitigation Hub (IRM)*. TSA is working to obtain full operational capacity for the IRM and has succeeded in securing funding for program development support.
- Recommendation 6: *Expand the scope of participation in TSA's existing Insider Threat Executive Steering Committee (ESC)*. Consistent with how ASAC is represented, the STSAC Insider Threat Subcommittee TSA Co-chair and/or the Designated Federal Official (DFO) will represent the Subcommittee at ESC regular meetings. The ESC may request meetings or briefings with the subcommittee, as specific issues warrant. As a result, work on this recommendation is completed.

Implementation of three recommendations is ongoing.

- Recommendation 3: *Implement a nationwide online tip capability that provides a timely and simple means to report suspicious activity and threats*. Although there is an existing toll-free tip line, a need to change the platform is warranted to enhance the caliber of suspicious activity and/or threat reporting—by creating an online tip capability. Mr. Carpender voiced concern about what the platform would look like and potential costs to enhance the existing tip line capability.
- Recommendation 4: *Define parameters for assessing the level of potential insider threat risk posed to organizations in the surface transportation modes—high, medium, or low* and Recommendation 5: *Produce and disseminate recommendations on effective practices for workforce vetting programs for surface transportation organizations* jointly. Both recommendations are similar in scope to the TSA InT roadmap objectives. The subcommittee is reviewing options to leverage efforts to implement these risk-based objectives. Mr. Carpender reported the subcommittee is reviewing, evaluating, and identifying the level of risk (high, medium, or low) in organizations to achieve effective practices for workforce vetting. He noted TSA had a vetting rulemaking process that is pending, which may help assist with achieving the purposes of Recommendations 4 and 5.

### ***EM&R Subcommittee Recap***

Chair Farmer commended the members—industry and government—of the EM&R Subcommittee for completing implementation of their recommendations which focused on

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pandemic preparedness by evaluating response actions and measures and identifying lessons learned through two focused, and very successful, workshops.

Over the past two months, the subcommittee has held two meetings to develop new topics for consideration as areas to prioritize for potential new recommendations to the Administrator.

Two topics were highlighted:

1. Creating a digital library of emergency management and resiliency related documents across all modes of transportation.
2. Conducting a webinar, with participation by representatives of organizations in each of the modes of surface transportation, to solicit information on emergency management and resiliency challenges – to capture topics for consideration for future subcommittee work.

Chair Farmer went on to say the STSAC as a whole stands ready to establish the Security Requirements Subcommittee—as a forum to advise the Administrator on regulatory initiatives under consideration, the feasibility and viability of required measures or actions under consideration, and performance-based approaches to address and mitigate security risk, cyber and physical. The Committee is awaiting the TSA Acting Administrator’s tasking letter to establish the new subcommittee, solicit membership, and appoint the industry co-chair. He inquired on the status of the tasking letter as there was much interest among Committee members to participate in the new group as soon as it is formed.

Vice Chair Hanson concluded by thanking all the members for their service and commended the subcommittees’ efforts. The SR&I Subcommittee had a huge win with the initiation of the recurring SISC briefings. CIS Subcommittee had re-energized and aligned with CISA’s requirements. InT Subcommittee had given a great preview of the TSS Insider Threat Library HSIN site. EM&R Subcommittee has implemented its recommendations fully and initiated the process to develop new ones.

DFO Harroun-Lord provided an opportunity for questions. After hearing none, she thanked Chair Farmer and Vice Chair Hanson for the Subcommittee Activity Recap. Ms. Harroun-Lord introduced SO EAA Darby LaJoye for closing remarks.

### **Security Operations Executive Assistant Administrator Closing Remarks**

SO EAA Darby LaJoye provided closing remarks on behalf of Acting Administrator David Pekoske. Mr. LaJoye expressed his appreciation and gratitude to the Committee and its inaugural members. He was in awe of the unwavering commitment and dedication the participants had for the Committee.

EAA LaJoye concluded by noting the impact surface transportation security had on cybersecurity mitigation. He noted TSA would be able to use the cybersecurity SDs as a model to inform work at other government agencies and across critical infrastructure. He expressed gratitude to everyone and opened the meeting to any questions or comments.

XD Gorton voiced his appreciation for Mr. LaJoye’s remarks and opened the floor for any other Committee business or questions. After hearing none, Vice Chair Hanson turned the meeting over to DFO Harroun-Lord for adjournment.

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### **Adjournment**

DFO Harroun-Lord sought a motion to adjourn the meeting. Vice Chair Hanson motioned to adjourn the meeting. Mr. Finnegan seconded the motion. The motion to adjourn was carried by a voice-vote of the Committee.

The thirteenth meeting of the STSAC meeting was adjourned at 3:45 p.m. EDT.

### **Certification of STSAC August 18, 2022, Meeting Minutes**

*I hereby certify that this is an accurate record of the activities of the Surface Transportation Security Advisory Committee on August 18, 2022.*



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Thomas L. Farmer  
Surface Transportation Security Advisory Committee Chair