

Financial Services Sector Coordinating Council.txt

Subject: Comments on 6 CFR Part 29 Submitted by FSSCC
Date: Wed, 18 Jun 2003 22:51:36 -0400
From: "Lipps, Peggy" <Peggy.Lipps@bankofamerica.com>
To: "RegComments, CII" <CII.RegComments@HQ.DHS.GOV>

Attached are comments on the proposed rule regarding Procedures for Handling Critical Infrastructure Information. These comments are being submitted on behalf of the Financial Services Sector Coordinating Council.

Thank you for considering our comments.

Peggy Lipps

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<<The Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security Comments.doc>> <<FSSCC Member Chart.ppt>>

Name: The Financial
Services Sector
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for Critical
Infrastructure
Protection and
Homeland Security
Comments.doc

Type: WINWORD File
The Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security Comments.doc (application/msword)

Encoding: base64

Description: The Financial
Services Sector
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for Critical
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Financial Services Sector Coordinating Council.txt
Comments.doc

FSSCC Member Chart.ppt Name: FSSCC Member Chart.ppt
Type: Microsoft PowerPoint Show
(application/vnd.ms-powerpoint)
Encoding: base64
Description: FSSCC Member Chart.ppt

Procedures for Handling Critical Infrastructure Information
6 CFR Part 29

Comments submitted to the Department of Homeland Security in response to
Notice of Proposed Rulemaking

Submitted on behalf of the Financial Services Sector Coordinating Council for
Critical Infrastructure Protection and Homeland Security

The Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security (FSSCC) submits these comments in response to the Notice of Rulemaking published in the Federal Register on April 15, 2003 (68 Federal Register 18524-18529) to implement Section 214 of the Homeland Security Act of 2002.

The FSSCC is a voluntary member organization of the financial services sector consisting of the sector's key trade associations, professional institutes, national exchanges, and key financial utilities of the sector.¹ The mission of the FSSCC is to foster and facilitate coordination of financial services sector-wide voluntary activities and initiatives designed to improve Critical Infrastructure Protection and Homeland Security.

As a critical infrastructure sector, the financial services industry recognizes the importance of ensuring that our infrastructure, as well as others upon whom it depends, is adequately protected and capable of responding to events intended to disrupt its operations.

The FSSCC works in a collective and collaborative manner with both the Department of the Treasury, which is the designated lead agency for our sector, and the Finance and Banking Information Infrastructure Committee (FBIIC) within the U.S. Government, which is chaired by the Department of the Treasury.

We appreciate the Department of Homeland Security's efforts to create rules that reflect the language and intent of the Homeland Security Act of 2002 Section 214. We support the importance of having an ability to share certain sensitive critical infrastructure information with the Department of Homeland Security. Statutory assurances and establishment of procedures precluding dissemination of this information to the general public or use for purposes other than the security of the United States are necessary to encourage the sharing of such critical information. Such assurances and procedures must include exemption from the provisions of the Freedom of Information Act (FOIA) as well as other exemptions provided by the Homeland Security Act of 2001.

¹ See attached file titled "FSSCC Member Chart.ppt"

In general, the proposed rules reflect the language and intent of the Act. However, we have identified some specific suggestions for changes and additions to the proposed rules as follows:

Section 29.6 (f)

This section would allow the Critical Infrastructure Information Program Manager the ability to determine information submitted under the Act “was not submitted in good faith”. Since the CII Act of 2002 did not provide DHS with this authority, we propose section 29.6(f) be removed. We believe this section goes beyond what Congress intended, and if it remains, will weaken the protections designed by the legislation. Further, performing such a determination without provision of notice of such action to the submitter is not consistent with the expected notice procedures set forth in proposed section 29.6(e). Thus, information submitted with the understanding that it falls under the protection of Section 214 should be afforded its protections.

Section 29.6 (g)

This section does not set forth the circumstances under which the CII Program Manager, or designee, may remove protected status from CII material. We recommend such action should only be taken at the written request of the submitting entity.

Section 29.9 (c)

The written correspondence proposed under Section 29.9(c) that would provide a submitter of CII information with notification of unauthorized disclosure, or that CII Protected information is missing, is essential. We recommend a specified time for notification should be required. Notification should be made in writing in less than 24 hours of such determination. Further, a good faith effort to contact the submitter verbally, immediately upon a determination of unauthorized or missing information, should be made to communicate such a determination has been made, and written notification is being sent.

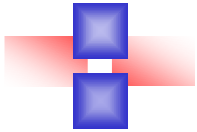
Section 29.7 (b)

This section discusses the use and storage of Protected CII material. We strongly recommend additional protection of such material be further specified when quantities of such material are aggregated within the same facility or area. Aggregated quantities of such material may qualify for national security protection, and if so, should be afforded those additional safeguards. Guidelines and procedures for addressing aggregated quantities of CII protected material should be specified.

In general, we wish to express our support of the proposed rules. Thank you for the opportunity to provide comments regarding changes and additions we believe are necessary to protect information voluntarily shared as envisioned under Section 214 of the Homeland Security Act of 2002.

Comments 6-16-03

Respectfully submitted,
Rhonda MacLean, Chairman
FSSCC



Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security

Members

- **ABA** – American Bankers Association
- **ACLI** – American Council of Life Insurers
- **ASIS** – American Society for Industrial Security
- **ACB** – America's Community Bankers
- **BAI** – Bank Administration Institute
- **BITS/FSR** – BITS and The Financial Services Roundtable
- **CUNA** – Credit Union National Association
- **Fannie Mae**
- **CBA** – Consumer Bankers Association
- **FS/ISAC** – Consumer Bankers Association
- **FIA** – Futures Industry Association
- **ICBA** – Independent Community Bankers of America
- **ICI** – Investment Company Institute
- **MFA** – Managed Funds Association
- **NASD** – NASD, Inc.
- **NASQ** – NASDAQ Stock Market, Inc
- **NAFCU** – National Association of Federal Credit Unions
- **NACHA** – National Automated Clearinghouse Association
- **SIA** – Securities Industry Association
- **The BMA** – The Bond Market Association
- **The Clearing House**
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