AS WE CLOSE out 2020, the Cybersecurity and Infrastructure Security Agency, in conjunction with partner intelligence and law enforcement, some challenging news: SolarWinds Orion security products, virtually ubiquitous across multiple government agencies, have been penetrated and abused—reportedly for at least nine months. “This Emergency Directive calls on all federal civilian agencies to review their networks for indicators of compromise and disconnect or power down SolarWinds Orion products immediately,” the CISA alert states. This breaking news, first reported by major media, is roiling the federal community. SolarWinds-based anti-malware apparently was hacked and then used to get into government and other entities’ computer systems, by way of a “back door”, through software updates—enabling those behind the operation to break in, across government and industry. CISA is the nation’s federal defender of electronic security—and it is warning feds and the public to expect more detailed, and troubling, news to come. Meanwhile, experts think tanks. Lots of people making good money around. Lots of lobbying them heavily. Especially postal—unions lobbied them heavily. Whether you agree or not many have been thoughtful. Many have also been infantile and juvenile at least as bad as the man they were attacking.

All of which took me back many decades ago when I just started covering Capitol Hill. Among my assignments were the House and Senate Post Office-Civil Service Committees. Both, like Congress for decades, were run by government. Federal—especially postal—unions lobbied them heavily. So did different groups of mailers. Lots of money around. Lots of

**Hacked: Agencies, feds struggle to mitigate SolarWinds breach**

*By Nathan Abse*

**What’s Inside**

- Hacked: Agencies, feds struggle to mitigate Solarwinds breach .......... 1
- Insight .................................................. 1
- VA’s vaccine distribution plan explained .......................... 3
- News Briefs ........................................... 5
- Thrift Savings Plan ................................ 6

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**The people who will miss Donald Trump most**

*According to some* polls 40% of the American public believes that the 2020 election was rigged or somehow fixed or tampered with. That the wrong person is going to be swarm in on January 20. The good news, I guess, is that 60% don’t.

Since the election and especially since the Trump administration began attacking the election results, much of the mainstream media has felt comfortable enough to use words like “lie” and “distort” and “subvert” (as in the course of justice) in stories and headlines. Whether you agree or not many have been thoughtful. Many have also been infantile and juvenile at least as bad as the man they were attacking.

All of which took me back many decades ago when I just started covering Capitol Hill. Among my assignments were the House and Senate Post Office-Civil Service Committees. Both, like Congress for decades, were run by government. Federal—especially postal—unions lobbied them heavily. So did different groups of mailers. Lots of money around. Lots of
These hackers now know what we are up to. They can and have infiltrated into practically everything we have—everything that these [our main government cybersecurity tools] are used on.

That’s not good, is it?

Thuraisingham: No. And so now—for instance—these proprietary tools, for example from the company FireEye that are used to monitor malware, are now across all of SolarWinds, potentially. Now these hackers know, pretty much, all of our defenses, at least on the systems for which these particular defenses are used. We study adversaries.

So, knowing all of our cyberdefenses, the hackers can wait and do damage or theft, if and when they want, in future, right?

Thuraisingham: Right, we study our adversaries. And they study their adversaries, too. That means they study us. And, now, they have access to our tools. They can now use them to model all of what they might want to do—and accurately, using our tools. These hackers now know what we are up to. They can and have infiltrated into practically everything we have—everything that these [our main government cybersecurity tools] are used on.

To clarify, though, reports so far indicate that it was the non-classified systems, not top secret systems, that were penetrated, for the most part—right?

Thuraisingham: Yes, well—but these are the reports. But they—these hackers—have access to all the tools we use for many, many systems. They know all our system protections, capabilities—not just our data. They have access to a huge piece of the U.S. government’s cybersecurity tools! To use an analogy, I am using some defenses on my house—to prevent you from entering. Before they didn’t know, but now they know all the details on the defenses I am using. I am vulnerable now, you see?

Understood—the hackers and their backers now can access much of our data, our systems, and our defenses, countersystems too—so, we’re in a tough spot, right?

Thuraisingham: Exactly. Systems and countersystems, as you put it. And now we have to protect ourselves from the ground up. This will take an enormous amount of work and resources.

So, do agencies have to just repair and add new defenses—or in some cases migrate the data over to a totally new system? How do you mitigate?

Thuraisingham: Look, now whoever hacked this now knows my entire approach. In the future, if I don’t change, they will have the tools to get through. We have to now change everything, on these systems that are breached. In many cases, we are going to have to do both—to put in new defenses and migrate data. We need to change our patterns of work, our systems, our tools to protect them—all of it. It’s all vulnerable now. It will take a long time and a lot of resources.

Were you shocked, by a hack this deep and wide—and not detected for so long?

Thuraisingham: Was I shocked? Well, this brings to mind what you call ‘adversarial learning.’ We run scenarios, we do our research, and some things like this that we run as possibilities—well, I thought this kind of level of thing would not happen in the near-term, anyway. But it is happening. Now. You can see this. For the Russians, we are the adversary.
So, scenarios you and your colleagues have had in mind, they are actually happening?

Thuraisingham: Yes. Not necessarily the exact same thing, but this level of possible breach. Look, this is nine months ago. We should have known—this is a long time. I am very surprised it took so long. Now, that could be that they have known a while our defenses, and how to not be detected, ways of masking themselves, changing their patterns and other methods to get through. This worries me now—that once they have accessed our systems, they have used malware that, in effect, may have or be mutated. It can be hidden, right? These hackers and their presence. It’s kind of like the virus—COVID—we are now facing. Their hacks are mutating, and so our defenses may not be detected. That at least seems to have happened here.

Would you blame some agency or conditions in government cybersecurity?

Thuraisingham: I do not know who in particular is responsible. But you have to think someone or somehow, some security directive, we could have done more. What this shows clearly, in short, is we are so unprepared. We must learn about our adversary. Once the adversary has learned so much about us and our protections, you see? We are vulnerable here. We need to learn about them and build new and better defenses.

Specifically, then, about theRussians, do we have equal abilities?

Thuraisingham: That’s doesn’t cover all of this. This is not just about whether you can attack. It is about whether you can detect. What happened here? Some problem happened. Something or someone at SolarWinds—maybe someone in the company, or some other method. We have to find a way to protect ourselves.

Should the U.S. government use more, and more varied, computer defense systems?

Thuraisingham: Again, back to the vaccine analogy: Would it be good in the end that we have Pfizer and Moderna and others in the fight against it? Or is one of these really much better than the others? We don’t really know yet. And so on your question, there is no way yet that we can know on this. Not at the moment.

Will this take years and billions of dollars to fix?

Thuraisingham: Without a doubt—it is going to take a lot of time, and a lot of money, to rectify the damage. But we must also adapt all of our tools, it looks like, to a whole new situation. We have to go back and make sure that—to use an analogy again—replace the locks on our windows, but also some brand new locks supplementing those lock locations, on other parts of the house, too. We have to both repair and replace some locks, and put in some brand new locks too. We also need a proper cybersecurity czar again. We haven’t really had that, as we did with Presidents Clinton, George W. Bush and Obama. As we have, for COVID, Dr. Fauci. And under someone this able, we also have to have a strong team for this person. So, this is about having that kind of czar and that team in place. And then emphasizing going deep to understand our adversary and his capabilities. Beyond this we need to rely on more is what is called “ethical hackers” working for us. We need all of this. This hack we have just suffered is a very big problem.

VA’s vaccine distribution plan explained

By Nathan Abse

COVID-19 VACCINATIONS AT the Department of Veterans Affairs will be a “long process,” said a senior agency official in testimony at a Senate Committee on Veterans Affairs hearing on Dec. 9.

The agency is set to receive an initial 73,000 doses of the Pfizer vaccine, but it anticipates that 7 million veterans will want a vaccination via the agency, along with the 400,000 VA employees, said Richard Stone, executive in charge at...
Veterans Health Administration.

This initial batch of vaccines “is not an adequate amount,” and distributing vaccines to rural areas and maintaining staffing levels are obstacles that will require “Herculean effort,” Stone said.

The VA will receive initial doses of the Pfizer vaccine after the vaccine receives an Emergency Use Authorization from the Food and Drug Administration, which Stone said is anticipated in the coming days. The agency has also requested over 120,000 doses of the Moderna vaccine.

The agency released its initial plans for the vaccine rollout on Dec. 10. It has coordinated in planning with the Centers for Disease Control and Operation Warp Speed, the Trump administration’s vaccine development project.

VA health care workers and veterans in long-term care units are at the front of the line to receive vaccinations.

“As vaccine supplies increase, additional Veterans will receive vaccinations based on factors such as age, existing health problems and other considerations that increase the risk of severe illness or death from COVID-19,” the agency said.

Particularities about the Pfizer vaccine, particularly the need for it to be stored at negative 70 degrees Fahrenheit, are playing a large role in the distribution planning. Once the vaccine is unfrozen and prepared, it also has to be delivered within a certain timeframe.

The VA has 37 sites prepared to receive the Pfizer vaccine. These initial distribution sites were chosen based on their ability to store the vaccine at cold temperatures and “matched to the concentration of veterans in that area,” Stone said.

This strategy is known as the hub and spoke model, where vaccine doses are stored in a central location and then distributed out. Secondary shipment beyond those sites is dependent on regulations for moving the vaccine, which the CDC has not yet released, Stone said.

The agency will also be receiving 36 additional freezers to aid in the Pfizer vaccine distribution. Stone said that their location will be determined in the coming weeks. The VA has also executed 83 contracts for dry ice to aid in vaccine distribution.

The VA has also been preparing sites to accept doses of the Moderna vaccine, which also does not yet have FDA approval. The agency currently has 188 sites to initially accept the Moderna vaccine, Stone said. It does not require the same low storage temperatures as the Pfizer vaccine.

A large obstacle to vaccine distribution will be getting the vaccines to rural areas, given their specific storage requirements. Stone told the senators that he’s had conversations about the potential use of short runway aircraft to deliver small amounts of the vaccine to rural areas, and he said that “creativity and innovation” will be required to complete the task.

“We are going to have some difficulties reaching rural areas, but you have our commitment that we will work diligently until every veteran is delivered this vaccine and we assure the safety of the population that is enrolled with us,” he said.

Both vaccines require a second round of vaccination a certain number of days after the initial injection, a condition that will entail careful tracking to ensure that VA employees and veterans receive both doses at the correct intervals, Stone said.

The 37 initial distribution sites will also be monitoring those who receive the vaccine for side effects using the VA’s existing vaccine monitoring and tracking system already used for vaccine monitoring.

Stone pointed to weaknesses in the sustainment of medical workforce in both private hospitals and those within the VA. The waiving of administrative hiring requirements by the Office of Personnel Management have been critical in hiring over 66,000 new VA employees, he said. It would be difficult to sustain the workforce if those hiring abilities were to be taken away, he said.

Since the onset of the pandemic, agency employees and unions have complained about unsafe working conditions in the agency. The American Federation of Government Employees said that these problems remain in a statement supplied to the committee.

“With few exceptions, management policies and practices for Personnel Protective Equipment (PPE), leave, staffing, telework, testing, and hazard and incentive pay, have been unpredictable, uneven, and arbitrary,” the statement said.

Finally, the VA has the capability to help private hospitals experiencing medical staff shortages under its “fourth mission” of preparing the nation for emergencies, wars and other disasters, Stone said. VA officials have been in contact with state governors about their ability to support private hospitals with services, personnel, consultation and the provision of personnel protective equipment.

The VA is able to take in critically ill patients via transfer, Stone said. It presently has 1,100 intensive care unit beds available, and the agency has mobile units it can move to areas that are particularly hard hit.
PROPOSED RULE WOULD CHANGE LAYOFF PROCEDURES

A PROPOSED RULE change would implement part of a 2018 workforce executive order by prioritizing performance over service length in determining who is kept and who is let go in the event of a large “reduction in force” among federal workers.

The Office of Personnel Management’s proposed rule is scheduled to be published in the Federal Register on Thursday, and it comes with a 30-day comment period.

The rule change is based on part of a 2018 executive order that made it easier to fire federal employees. One section of that executive order called on agencies to prioritize employees’ performance over their length of federal employment in the event of layoffs.

The current rules for mass layoffs have performance last on the list of factors to consider in the determining which employees to keep, with the type of job coming first and followed by veterans preference and service length after.

The proposed rule change would move performance up in the list, so that the order would be “tenure” or job type, performance, veterans’ preference and length of service.

Currently, performance is used to “supplement an employee’s length of service for purposes of determining an employee’s standing on a retention register.”

Under the rule change, employees would first be sorted by job type. Then, they would be ranked by performance levels within that subgroup, before being again sorted by veteran status. Service length would be used as a tie breaker if all else was equal.

Under the regulation, agencies would determine performance by adding each employee’s summary level performance rating for the three most recent ratings of record before the reduction in force.

The proposed regulatory change is among other workforce policy changes coming at the end of the Trump administration, the most significant of these being a new workforce category called Schedule F under which many senior federal employees would be reclassified essentially as “at-will” workers without current civil service protections.

Democrats in the House and Senate are pushing to block the implementation of Schedule F through language in appropriations legislation expected to be finalized this week, in advance of the Dec. 18 expiration date of the current continuing resolution funding the government.

LAWMAKERS: FED AGENCIES FAILING TO ATTRACT YOUNGER WORKERS

WITH YOUNG ADULTS—THOSE under the age of 30—a rare commodity of only around 6% of feds, some federal lawmakers are—yet again—sounding the alarm on this perennial but increasingly sticky problem for civil service managers and the nation itself.

Indeed, according to the latest OPM statistics, persons under 30 number at less than 170,000 of federal employees counted in the breakdown. The issue was explored at a recent event, “Rebuilding the Federal Workforce,” in which a number of lawmakers and policymakers discussed reasons for the ongoing problem, due largely to a failure to make government work attractive to young persons.

The underlying causes, according to the lawmakers as reported in The Hill, range from long-noted relatively low pay compared to the private sector for many specialties, to recent ill-advised policy changes—such as forced moves of certain agency headquarters out of the D.C. area and a much-lambasted push to make it easier to fire feds. Such changes have been unbalanced by efforts to make government work a real draw to up-and-coming generations, and the results have been negative, critics say.

“The availability of [the Federal Employees Health benefits program], a retirement annuity and the [federal Thrift Savings Plan] play a large role in recruiting and retaining employees,” the OPM summary states. “The majority of participants reported the availability of these programs influenced them to great or moderate extent to take a job in the Federal Government or remain in a job with the Federal Government.”

That said, the percentage of young feds is not growing—and the criticisms of event participants seem well-grounded in their concerns about recent moves that likely only further weaken agency recruiting and retention efforts.

OPM RETIREMENT CLAIMS BACKLOG GROWS

BY THE END of November, the Office of Personnel Management’s backlog of retirement claims in need of processing was more than 20,000 after taking a slight dip over the last seven months of the COVID-19 pandemic, according to the agency’s latest numbers.

The claims inventory stood at 20,022 last month, up from 19,605 in October and having remained between 17,000 and 19,000 between the months of April and September.

OPM received 5,876 applications for retirement last month, compared to 8,323 in October and having received an average...
of 6,000 claims per month from March through September.

It processed 5,459 claims in November, which is down from 6,992 the month prior and significantly less than the 8,931 claims it processed in March at the start of the COVID-19 pandemic.

The agency took an average of 76 days to process claims last month, which is comparable to the number of days it took to process a claim throughout the pandemic, but more than the average of 59 days in February, before the pandemic.

The figures come from OPM’s monthly claims processing progress report available on the OPM website.

DOL FINALIZES RELIGIOUS EXEMPTION RULE CHANGE FOR FED CONTRACTORS

THE DEPARTMENT OF Labor this week finalized a rule change that allows federal contractors to claim a religious exemption to discriminate against certain groups when making hiring decisions.

The move will make it easier for companies that are organized around faith-based activities to hire members of their own religious group without falling afoul of civil rights laws, and allow such firms to exclude other groups, in particular gays, lesbians, bisexuals and transgender people from employment.

The rule cites a 2018 Supreme Court decision that ruled in favor of a Christian baker in Colorado who refused to make a cake for a same-sex couple. It also uses the court’s 2014 decision in the Hobby Lobby case that stated certain non-public for-profit companies could claim religious exemptions from laws in some cases.

The final rule, issued Dec. 9 by the Office of Federal Contract Compliance Programs at the Labor Department, states companies can seek an exemption based on its religious beliefs. To obtain an exemption an organization must “be organized for a religious purpose; hold itself out to the public as carrying out a religious purpose [or] engage in activity consistent with, and in furtherance of, that religious purpose.”

The rule is set to take effect on Jan. 8, 2021.

House Speaker Nancy Pelosi (D-Calif.) today called the rule change an attempt by President Donald Trump to “attack protections” meant to prohibit discrimination against minorities, women and the LGBTQ community.

“This discriminatory Trump regulation is an act of cruelty that cynically twists bedrock American civil rights laws to undermine the rights, dignity and well-being of the very people they are designed to protect,” she said in a Dec. 11 statement.

## Thrift Savings Plan Share Prices

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**Lifecycle Funds**

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Register free to get rates of return and other TSP info at: [https://federalsoup.com/portals/top/thrift-savings-plan.aspx](https://federalsoup.com/portals/top/thrift-savings-plan.aspx)
entertainment. This was a different time. Before payola had a name. Or was bad.
I got to know most of the lobbyist very well. They took members of the House and Senate to dinner. To Superbowl games. To the racetrack. All expenses plus cash for betting. It was a different world.

They are well written. Witty. Thoughtful and much admired by fans. Many would agree that they are not sharp or harsh enough.

One of the lobbyists, a wonderful smart guy—WW2 Navy vet—really took me under his wing. I had lots of great lunches (free) and lots of entertainment. I think I was the son he never had. Anyhow, we were once talking lobbying shop—he was with a major postal union—which was fascinating. He knew his stuff, was a member of the then unnamed Greatest Generation, a wonderful guy. He had worked very hard to make it to D.C. as a top lobbyist after years as a regular postal clerk. He asked me what I thought would be the worst thing, career wise, that could happen to him?
I said, “To lose, right?” Not to get—or block—whatever the union wanted him to get, or block in committee.
“Wrong,” he said. “The worst thing is to win!” Then, he said, he was out of a job.
Bingo. I got it. The way Washington really works. You don't want to lose outright. Then you may be canned. But if you win, totally, you can also be out of work. Like a baseball writer during a strike. On a pandemic.
Or like lots of political columnists who for the past several years have been on cruise control with Donald Trump as their goat. Their target. The villain that worked for them and that their readers couldn’t get enough of. If it was bad enough.
Same for the liberals who said they hated but who really relished eight years of George Bush and who were professionally crushed when Barack Obama became president. In winning, they lost. Some had to get other jobs.
I thought of it the other days as we witnessed the final days of the Trump administration. And I wondered what some folks in the profession, including some I have known for years, are going to do for the next four to eight years. Joe Biden definitely is not Donald J. Trump. Kamala Harris is not Mike Pence. For their backers, what’s not to like. Which may—almost certainly will—turn out to be the problem.
I checked the recent output of one of my favorite columnists. Thirteen of the last 13 columns have been about Trump. Eleven have mentioned him in the headline, sometimes as a golden goose or Sharknado. Or King Kong. But you get the idea.
They are well written. Witty. Thoughtful and much admired by fans. Many would agree that they are not sharp or harsh enough.
But enough is about to be enough. More than likely he will be gone in a couple of weeks. Maybe to Florida to play golf. Maybe to a TV job. And he may be back.
But while he’s gone, and that will be at least four years and maybe eight, the pickings are going to be slim for much of the mainstream media. As my lobbyist friend would say, you won. Congratulations.
Now what?