

“(2) provide the public with an opportunity to comment on proposed standards and guidelines;

“(3) submit to the Secretary of Commerce for promulgation under section 11331 of title 40—

“(A) standards, as required under subsection (b)(1)(A) of this section, no later than 12 months after December 17, 2002; and

“(B) minimum information security requirements for each category, as required under subsection (b)(1)(C) of this section, no later than 36 months after December 17, 2002;

“(4) issue guidelines as required under subsection (b)(1)(B) of this section, no later than 18 months after December 17, 2002;

“(5) to the maximum extent practicable, ensure that such standards and guidelines do not require the use or procurement of specific products, including any specific hardware or software;

“(6) to the maximum extent practicable, ensure that such standards and guidelines provide for sufficient flexibility to permit alternative solutions to provide equivalent levels of protection for identified information security risks; and

“(7) to the maximum extent practicable, use flexible, performance-based standards and guidelines that permit the use of off-the-shelf commercially developed information security products.

“(d) INFORMATION SECURITY FUNCTIONS.—The Institute shall—

“(1) submit standards developed pursuant to subsection (a) of this section, along with recommendations as to the extent to which these should be made compulsory and binding, to the Secretary of Commerce for promulgation under section 11331 of title 40;

“(2) provide technical assistance to agencies, upon request, regarding—

“(A) compliance with the standards and guidelines developed under subsection (a) of this section;

“(B) detecting and handling information security incidents; and

“(C) information security policies, procedures, and practices;

“(3) conduct research, as needed, to determine the nature and extent of information security vulnerabilities and techniques for providing cost-effective information security;

“(4) develop and periodically revise performance indicators and measures for agency information security policies and practices;

“(5) evaluate private sector information security policies and practices and commercially available information technologies to assess potential application by agencies to strengthen information security;

“(6) assist the private sector, upon request, in using and applying the results of activities under this section;

“(7) evaluate security policies and practices developed for national security systems to assess potential application by agencies to strengthen information security;

“(8) periodically assess the effectiveness of standards and guidelines developed under this section and undertake revisions as appropriate;

“(9) solicit and consider the recommendations of the Information Security and Privacy Advisory Board, established by section 278g-4 of this title, regarding standards and guidelines developed under subsection (a) of this section and submit such recommendations to the Secretary of Commerce with such standards submitted to the Secretary; and

“(10) prepare an annual public report on activities undertaken in the previous year, and planned for the coming year, to carry out responsibilities under this section.

“(e) DEFINITIONS.—As used in this section—

“(1) the term ‘agency’ has the same meaning as provided in section 3502(1) of title 44;

“(2) the term ‘information security’ has the same meaning as provided in section 3542(b)(1) of such title;

“(3) the term ‘information system’ has the same meaning as provided in section 3502(8) of such title;

“(4) the term ‘information technology’ has the same meaning as provided in section 11101 of title 40; and

“(5) the term ‘national security system’ has the same meaning as provided in section 3542(b)(2) of title 44.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$20,000,000 for each of fiscal years 2003, 2004, 2005, 2006, and 2007 to enable the National Institute of Standards and Technology to carry out the provisions of this section.”

Subsec. (d)(1)(B)(i). Pub. L. 107-305, § 8(b), substituted “computers and computer networks” for “computers”.

Subsecs. (e), (f). Pub. L. 107-305, §§ 9, 10, added subsecs. (e) and (f).

1997—Subsecs. (a)(4), (b)(2). Pub. L. 105-85 made technical amendment to reference in original act which appears in text as reference to section 1441 of title 40.

1996—Subsec. (a)(2), (3)(A). Pub. L. 104-106, § 5607(a)(1)(A), substituted “section 3502(9) of title 44” for “section 3502(2) of title 44”.

Subsec. (a)(4). Pub. L. 104-106, § 5607(a)(1)(B), substituted “section 1441 of title 40” for “section 759(d) of title 40”.

Subsec. (b)(2). Pub. L. 104-106, § 5607(a)(2)(A), (C), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “to make recommendations, as appropriate, to the Administrator of General Services on policies and regulations proposed pursuant to section 1441 of title 40;”.

Subsec. (b)(3). Pub. L. 104-106, § 5607(a)(2)(C), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Pub. L. 104-106, § 5607(a)(2)(B), substituted “section 1441 of title 40” for “section 759(d) of title 40”.

Subsec. (b)(4) to (6). Pub. L. 104-106, § 5607(a)(2)(C), redesignated pars. (4) to (6) as (3) to (5), respectively.

Subsec. (d)(1)(B)(v). Pub. L. 104-106, § 5607(a)(3)(A), struck out “as defined by regulations issued by the Administrator for General Services pursuant to section 759 of title 40” after “related resources”.

Subsec. (d)(2). Pub. L. 104-106, § 5607(a)(3)(B), substituted “system” for “system”—, struck out “(A)” before “means”, substituted “function;” for “function; and”, and struck out subpar. (B) which read as follows: “includes automatic data processing equipment as that term is defined in section 759(a)(2) of title 40;”.

1988—Pub. L. 100-418 substituted “Institute” for “National Bureau of Standards” in introductory provisions of subsecs. (a) and (b) and wherever appearing in closing provisions of subsec. (c).

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by Pub. L. 107-347 effective Dec. 17, 2002, see section 402(b) of Pub. L. 107-347, set out as an Effective Date note under section 3541 of Title 44, Public Printing and Documents.

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 702.

§ 278g-4. Information Security and Privacy Advisory Board

(a) Establishment and composition

There is hereby established a¹ Information Security and Privacy Advisory Board within the Department of Commerce. The Secretary of Commerce shall appoint the chairman of the Board. The Board shall be composed of twelve

¹ So in original. Probably should be “an”.

additional members appointed by the Secretary of Commerce as follows:

(1) four members from outside the Federal Government who are eminent in the information technology industry, at least one of whom is representative of small or medium sized companies in such industries;

(2) four members from outside the Federal Government who are eminent in the fields of information technology, or related disciplines, but who are not employed by or representative of a producer of information technology; and

(3) four members from the Federal Government who have information system management experience, including experience in information security and privacy, at least one of whom shall be from the National Security Agency.

(b) Duties

The duties of the Board shall be—

(1) to identify emerging managerial, technical, administrative, and physical safeguard issues relative to information security and privacy;

(2) to advise the Institute and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems, including through review of proposed standards and guidelines developed under section 278g-3 of this title; and

(3) to report annually its findings to the Secretary of Commerce, the Director of the Office of Management and Budget, the Director of the National Security Agency, and the appropriate committees of the Congress.

(c) Term of office

The term of office of each member of the Board shall be four years, except that—

(1) of the initial members, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years, and three shall be appointed for terms of four years; and

(2) any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed.

(d) Quorum

The Board shall not act in the absence of a quorum, which shall consist of seven members.

(e) Allowance for travel expenses

Members of the Board, other than full-time employees of the Federal Government, while attending meetings of such committees or while otherwise performing duties at the request of the Board Chairman while away from their homes or a regular place of business, may be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5.

(f) Meetings

The Board shall hold meetings at such locations and at such time and place as determined by a majority of the Board.

(g) Staff services and utilization of Federal personnel

To provide the staff services necessary to assist the Board in carrying out its functions, the

Board may utilize personnel from the Institute or any other agency of the Federal Government with the consent of the head of the agency.

(h) Definitions

As used in this section, the terms “information system” and “information technology” have the meanings given in section 278g-3 of this title.

(Mar. 3, 1901, ch. 872, §21, as added Pub. L. 100-235, §3(2), Jan. 8, 1988, 101 Stat. 1727; amended Pub. L. 100-418, title V, §5115(a)(1), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 107-296, title X, §1004, Nov. 25, 2002, 116 Stat. 2271; Pub. L. 107-347, title III, §304, Dec. 17, 2002, 116 Stat. 2959.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296, §1004(1), and Pub. L. 107-347, §304(1), amended subsec. (a) identically, substituting “Information Security and Privacy Advisory Board” for “Computer System Security and Privacy Advisory Board” in introductory provisions.

Subsec. (a)(1). Pub. L. 107-296, §1004(2), and Pub. L. 107-347, §304(2), amended par. (1) identically, substituting “information technology” for “computer or telecommunications”.

Subsec. (a)(2). Pub. L. 107-296, §1004(3), and Pub. L. 107-347, §304(3), amended par. (2) identically, substituting “information technology” for “computer or telecommunications technology” and for “computer or telecommunications equipment”.

Subsec. (a)(3). Pub. L. 107-296, §1004(4), and Pub. L. 107-347, §304(4), amended par. (3) identically, substituting “information system” for “computer systems” and “information security” for “computer systems security”.

Subsec. (b)(1). Pub. L. 107-296, §1004(5), and Pub. L. 107-347, §304(5), amended par. (1) identically, substituting “information security” for “computer systems security”.

Subsec. (b)(2). Pub. L. 107-347, §304(6), added par. (2) and struck out former par. (2) which read as follows: “to advise the Institute and the Secretary of Commerce on security and privacy issues pertaining to Federal computer systems; and”.

Pub. L. 107-296, §1004(6), added par. (2) and struck out former par. (2), as added by Pub. L. 107-347, which read as follows: “to advise the Institute, the Secretary of Commerce, and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems, including through review of proposed standards and guidelines developed under section 278g-3 of this title; and”.

Subsec. (b)(3). Pub. L. 107-296, §1004(7), and Pub. L. 107-347, §304(7), amended par. (3) identically, inserting “annually” after “report”.

Subsecs. (f), (g). Pub. L. 107-296, §1004(8), (9), and Pub. L. 107-347, §304(8), (9), amended section identically, adding subsec. (f) and redesignating former subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 107-296, §1004(10), and Pub. L. 107-347, §304(10), amended section identically, adding subsec. (h) and striking out former subsec. (h) which read as follows: “As used in this section, the terms ‘computer system’ and ‘Federal computer system’ have the meanings given in section 278g-3 of this title.”

Pub. L. 107-296, §1004(9), and Pub. L. 107-347, §304(9), amended section identically, redesignating subsec. (g) as (h).

1988—Subsec. (b)(2). Pub. L. 100-418, which directed that this chapter be amended by substituting “Institute” for “National Bureau of Standards”, “Bureau”, or “bureau”, wherever appearing, was executed to par. (2) by substituting “Institute” for “Bureau of Standards”, to reflect the probable intent of Congress.

Subsec. (f). Pub. L. 100-418 substituted “Institute” for “National Bureau of Standards”.

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by Pub. L. 107-347 effective Dec. 17, 2002, see section 402(b) of Pub. L. 107-347, set out as an Effective Date note under section 3541 of Title 44, Public Printing and Documents.

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 278g-5. Enterprise integration initiative**(a) Establishment**

The Director shall establish an initiative for advancing enterprise integration within the United States. In carrying out this section, the Director shall involve, as appropriate, the various units of the National Institute of Standards and Technology, including the National Institute of Standards and Technology laboratories (including the Building and Fire Research Laboratory), the Manufacturing Extension Partnership program¹ established under sections 278k and 278l of this title, and the Malcolm Baldrige National Quality Program. This initiative shall build upon ongoing efforts of the National Institute of Standards and Technology and of the private sector, shall involve consortia that include government and industry, and shall address the enterprise integration needs of each United States major manufacturing industry at the earliest possible date.

(b) Assessment

For each major manufacturing industry, the Director may work with industry, trade associations, professional societies, and others as appropriate, to identify enterprise integration standardization and implementation activities underway in the United States and abroad that affect that industry and to assess the current state of enterprise integration within that industry. The Director may assist in the development of roadmaps to permit supply chains within the industry to operate as an integrated electronic enterprise. The roadmaps shall be based on voluntary consensus standards.

(c) Reports

Within 180 days after November 5, 2002, and annually thereafter, the Director shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the National Institute of Standards and Technology's activities under subsection (b) of this section.

(d) Authorized activities

In order to carry out this Act, the Director may work with industry, trade associations,

professional societies, and others as appropriate—

(1) to raise awareness in the United States, including awareness by businesses that are majority owned by women, minorities, or both, of enterprise integration activities in the United States and abroad, including by the convening of conferences;

(2) on the development of enterprise integration roadmaps;

(3) to support the development, testing, promulgation, integration, adoption, and upgrading of standards related to enterprise integration including application protocols; and

(4) to provide technical assistance and, if necessary, financial support to small- and medium-sized businesses that set up pilot projects in enterprise integration.

(e) Manufacturing Extension Program

The Director shall ensure that the Manufacturing Extension Program is prepared to advise small- and medium-sized businesses on how to acquire the expertise, equipment, and training necessary to participate fully in supply chains using enterprise integration.

(Pub. L. 107-277, §3, Nov. 5, 2002, 116 Stat. 1936.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 107-277, Nov. 5, 2002, 116 Stat. 1936, which enacted this section and provisions set out as a note under this section. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Enterprise Integration Act of 2002, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

CHANGE OF NAME

The Manufacturing Extension Partnership Program, referred to in subsec. (a), redesignated the Hollings Manufacturing Partnership Program by provision of title II of div. B of Pub. L. 108-447, formerly set out as a note under section 278k of this title. Program now known as the Hollings Manufacturing Extension Partnership, see section 278k(i) of this title.

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

ENTERPRISE INTEGRATION

Pub. L. 107-277, Nov. 5, 2002, 116 Stat. 1936, provided that:

“SECTION. 1. SHORT TITLE.

“This Act [enacting this section and this note] may be cited as the ‘Enterprise Integration Act of 2002’.

“SEC. 2. FINDINGS.

“The Congress makes the following findings:

“(1) Over 90 percent of United States companies engaged in manufacturing are small- and medium-sized businesses.

“(2) Most of these manufacturers produce goods for assemblage into products of large companies.

“(3) The emergence of the World Wide Web and the promulgation of international standards for product data exchange greatly accelerated the movement to-

¹ See Change of Name note below.