§ 278g–3c. Guidelines on the disclosure process for security vulnerabilities relating to information systems, including Internet of Things devices

(a) In general

Not later than 180 days after December 4, 2020, the Director of the Institute, in consultation with such cybersecurity researchers and private sector industry experts as the Director considers appropriate, and in consultation with the Secretary, shall develop and publish under section 278g–3 of this title guidelines—

(1) for the reporting, coordinating, publishing, and receiving of information about—

(A) a security vulnerability relating to information systems owned or controlled by an agency (including Internet of Things devices owned or controlled by an agency); and

(B) the resolution of such security vulnerability; and

(2) for a contractor providing to an agency an information system (including an Internet of Things device) and any subcontractor thereof at any tier providing such information system to such contractor, on—

(A) receiving information about a potential security vulnerability relating to the information system; and

(B) disseminating information about the resolution of a security vulnerability relating to the information system.

(b) Elements

The guidelines published under subsection (a) shall—

(1) to the maximum extent practicable, be aligned with industry best practices and Standards 29147 and 30111 of the International Standards Organization (or any successor standard) or any other appropriate, relevant, and widely-used standard;

(2) incorporate guidelines on—

(A) receiving information about a potential security vulnerability relating to an information system owned or controlled by an agency (including an Internet of Things device); and

(B) disseminating information about the resolution of a security vulnerability relating to an information system owned or controlled by an agency (including an Internet of Things device); and

(3) be consistent with the policies and procedures produced under section 659(m) of title 6.

(c) Information items

The guidelines published under subsection (a) shall include example content, on the information items that should be reported, coordinated, published, or received pursuant to this section by a contractor, or any subcontractor thereof at any tier, providing an information system (including Internet of Things device) to the Federal Government.

(d) Oversight

The Director of OMB shall oversee the implementation of the guidelines published under subsection (a).

(e) Operational and technical assistance

The Secretary, in consultation with the Director of OMB, shall administer the implementation of the guidelines published under subsection (a) and provide operational and technical assistance in implementing such guidelines.

(Pub. L. 116–207, § 5, Dec. 4, 2020, 134 Stat. 1004.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Internet of Things Cybersecurity Improvement Act of 2020, also known as the IoT Cybersecurity Improvement Act of 2020, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 278g–3a of this title.

§ 278g–3d. Implementation of coordinated disclosure of security vulnerabilities relating to agency information systems, including Internet of Things devices

(a) Agency guidelines required

Not later than 2 years after December 4, 2020, the Director of OMB, in consultation with the Secretary, shall develop and oversee the implementation of policies, principles, standards, or guidelines as may be necessary to address security vulnerabilities of information systems (including Internet of Things devices).

(b) Operational and technical assistance

Consistent with section 3553(b) of title 44, the Secretary, in consultation with the Director of OMB, shall provide operational and technical assistance to agencies on reporting, coordinating, publishing, and receiving information about security vulnerabilities of information systems (including Internet of Things devices).

(c) Consistency with guidelines from National Institute of Standards and Technology

The Secretary shall ensure that the assistance provided under subsection (b) is consistent with applicable standards and publications developed by the Director of the Institute.

(d) Revision of Federal Acquisition Regulation

The Federal Acquisition Regulation shall be revised as necessary to implement the provisions under this section.

(Pub. L. 116–207, § 6, Dec. 4, 2020, 134 Stat. 1005.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Internet of Things Cybersecurity Improvement Act of 2020, also known as the IoT Cybersecurity Improvement Act of 2020, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 278g–3a of this title.

§ 278g–3e. Contractor compliance with coordinated disclosure of security vulnerabilities relating to agency Internet of Things devices

(a) Prohibition on procurement and use

(1) In general

The head of an agency is prohibited from procuring or obtaining, renewing a contract to procure or obtain, or using an Internet of Things device, if the Chief Information Officer of that agency determines during a review required by section 11319(b)(1)(C) of title 40 of a contract for such device that the use of such device prevents compliance with the standards and guidelines developed under section 278g–3b of this title or the guidelines published under section 278g–3c of this title with respect to such device.

(2) Simplified acquisition threshold

Notwithstanding section 1905 of title 41, the requirements under paragraph (1) shall apply to a contract or subcontract in amounts not greater than the simplified acquisition threshold.

(b) Waiver

(1) Authority

The head of an agency may waive the prohibition under subsection (a)(1) with respect to an Internet of Things device if the Chief Information Officer of that agency determines that—

(A) the waiver is necessary in the interest of national security;

(B) procuring, obtaining, or using such device is necessary for research purposes; or

(C) such device is secured using alternative and effective methods appropriate to the function of such device.

(2) Agency process

The Director of OMB shall establish a standardized process for the Chief Information Officer of each agency to follow in determining whether the waiver under paragraph (1) may be granted.

(c) Reports to Congress

(1) Report

Every 2 years during the 6-year period beginning on December 4, 2020, the Comptroller General of the United States shall submit to the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report—

(A) on the effectiveness of the process established under subsection (b)(2);

(B) that contains recommended best practices for the procurement of Internet of Things devices; and

(C) that lists—

(i) the number and type of each Internet of Things device for which a waiver under subsection (b)(1) was granted during the 2-year period prior to the submission of the report; and

(ii) the legal authority under which each such waiver was granted, such as whether the waiver was granted pursuant to subparagraph (A), (B), or (C) of such subsection.

(2) Classification of report

Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex that contains the information described under paragraph (1)(C).

(d) Effective date

The prohibition under subsection (a)(1) shall take effect 2 years after December 4, 2020.

(Pub. L. 116–207, § 7, Dec. 4, 2020, 134 Stat. 1005.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Internet of Things Cybersecurity Improvement Act of 2020, also known as the IoT Cybersecurity Improvement Act of 2020, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 278g–3a of this title.

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

(a) Establishment and composition

There is hereby established a[1] 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 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, the Secretary of Homeland Security, 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

[1] So in original. Probably should be ''an''.