

§ 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 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 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".

and guidelines developed under section 278g-3 of this title; and

(3) to report annually its findings to the Secretary of Commerce, the Secretary of Homeland Security, 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; Pub. L. 113-283, §2(f)(2), Dec. 18, 2014, 128 Stat. 3087.)

Editorial Notes

AMENDMENTS

2014—Subsec. (b)(2). Pub. L. 113-283, §2(f)(2)(A), inserted “, the Secretary of Homeland Security,” after “the Institute”.

Subsec. (b)(3). Pub. L. 113-283, §2(f)(2)(B), inserted “the Secretary of Homeland Security,” after “the Secretary of Commerce.”

2002—Subsec. (a). Pub. L. 107-296, §1004(1), and Pub. L. 107-347, §304(1), amended subsec. (a) identically, sub-

stituting “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”.

Statutory Notes and Related Subsidiaries

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 a note under section 3504 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 Hollings Manufacturing Extension Partnership program 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) 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.

(d) 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; Pub. L. 113-188, title II, §201(b), Nov. 26, 2014, 128 Stat. 2018; Pub. L. 114-329, title V, §501(e)(2), Jan. 6, 2017, 130 Stat. 3033.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 107-277, Nov. 5, 2002, 116 Stat. 1936, known as the Enterprise Integration Act of 2002, 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.

AMENDMENTS

2017—Subsec. (a). Pub. L. 114-329 inserted “Hollings” before “Manufacturing Extension Partnership”.

2014—Subsecs. (c) to (e). Pub. L. 113-188 redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out former subsec. (c) which required annual reports on the National Institute of Standards and Technology’s activities under subsec. (b).

Statutory Notes and Related Subsidiaries

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 toward electronically integrated supply chains during the last half of the 1990’s.

“(4) European and Asian countries are investing heavily in electronic enterprise standards development, and in preparing their smaller manufacturers to do business in the new environment. European efforts are well advanced in the aerospace, automotive, and shipbuilding industries and are beginning in other industries including home building, furniture manufacturing, textiles, and apparel. This investment could give overseas companies a major competitive advantage.

“(5) The National Institute of Standards and Technology, because of the electronic commerce expertise in its laboratories and quality program, its long history of working cooperatively with manufacturers, and the nationwide reach of its manufacturing extension program, is in a unique position to help United States large and smaller manufacturers alike in their responses to this challenge.

“(6) It is, therefore, in the national interest for the National Institute of Standards and Technology to accelerate its efforts in helping industry develop standards and enterprise integration processes that are necessary to increase efficiency and lower costs.

“SEC. 3. ENTERPRISE INTEGRATION INITIATIVE.

[Enacted this section.]

“SEC. 4. DEFINITIONS.

“For purposes of this Act—