



NIST and Fed Advisory Board Introductions

18 January 2023

NIST Team Introductions



Barbara Cuthill

Jeff Brewer

Kat Megas

Alison Kahn

Greg Witte

Brad Hoehn

Designated
Federal Officer

Designated
Federal Officer
(Backup)

IoT Federal
Working Group
Co-Chair

IoT Federal
Working Group
Co-Chair

Contractor,
Report Editor

Contractor,
Report Editor

barbara.cuthill@nist.gov

jeffrey.brewer@nist.gov

kat.megas@nist.gov

alison.kahn@nist.gov

greg.witte@nist.gov

noel.hoehn@nist.gov

Advisory Committee Board Member Introductions





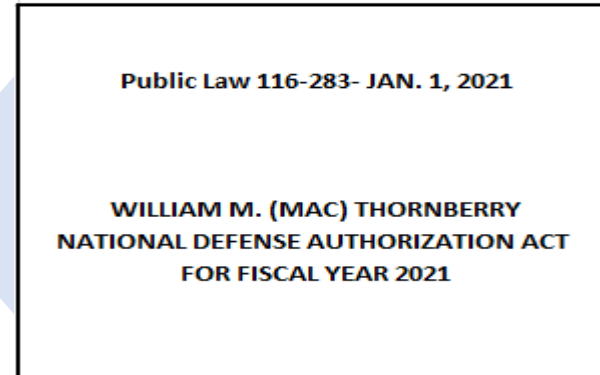
Review of IoT Advisory Board Charter, Scope and Expectations

Alison Kahn, NIST; Kat Megas, NIST
IoT Federal Working Group Co-conveners

18 January 2023

Background

- Section 9204 of the **William Thornberry National Defense Authorization Act (NDAA)** PL 116-283 calls for the creation of the Internet of Things advisory committee and Federal working group.
 - The bill tasks both with examining barriers, especially cybersecurity concerns, to adoption of IoT devices in a variety of civilian use cases and gaining the economic benefits of those IoT devices.



- Preceding the NDAA is the **Developing Innovation and Growing the Internet of Things Act ("DIGIT ACT")** which cleared the Senate in Jan 2020.
 - The introductory language (Section 2) identifies a growing economy of IoT across market sectors and a focus on furthering innovation with a convergence on emerging technologies like AI to position the US to lead in the development of technologies for IoT.
 - Specifically, the bill calls out “ the appropriate prioritization of a national strategy with respect to the Internet of Things [that] would strengthen that position” and through which “the Federal Government can implement this technology to better deliver services to the public.”
 - This remainder of the bill identifies language similar to the NDAA in the responsibilities of both groups.



IoT Advisory Board Charter, Scope, Expectations

Scope: The Board shall advise the Internet of Things Working Group convened by the Secretary pursuant to Section 9204(b)(1) of the NDAA on matters related to the Working Group's activities, as specified below

IoT Advisory Committee Duties

The steering committee shall advise the working group with respect to—

- (i) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or juris-dictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;
- (ii) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from or to—
 - (I) smart traffic and transit technologies;
 - (II) augmented logistics and supply chains;
 - (III) sustainable infrastructure;
 - (IV) precision agriculture;
 - (V) environmental monitoring;
 - (VI) public safety; and
 - (VII) health care;

Public Law 116-283- JAN. 1, 2021

WILLIAM M. (MAC) THORNBERRY
NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2021

IoT Advisory Board Charter, Scope, Expectations (Cont.)

Per Section 9204 of the [William M. \(Mac\) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283 \(the Act\)](#)

IoT Advisory Committee Duties Cont.

The steering committee shall advise the working group with respect to—

- (iii) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;
- (iv) policies, programs, or multi-stakeholder activities that—
 - (I) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;
 - (II) may enhance the security of the Internet of Things, including the security of critical infrastructure;
 - (III) may protect users of the Internet of Things; and
 - (IV) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;
- (v) the opportunities and challenges associated with the use of Internet of Things technology by small businesses; and
- (vi) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

Public Law 116-283- JAN. 1, 2021

WILLIAM M. (MAC) THORNBERRY
NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2021

IoT Advisory Board Charter, Scope, Expectations (Cont.)

Charter: <https://www.nist.gov/system/files/documents/noindex/2021/12/20/IOT-Board-Charter-20211215.pdf>

- **Designated Federal Officer DFO - Barbara Cuthill / Jeff Brewer will:**
 - Call all Board and subcommittee meetings; prepare meeting agendas as they are set by the Board; approve the establishment of Board subcommittees; attend all Board and subcommittee meetings; adjourn any meeting when the DFO determines adjournment to be in the public interest; and chair meetings when directed to do so by the Director of NIST.
- **Meetings:**
 - The Board will meet at least three times each year at the call of the DFO in consultation with the Board's Chair.
- **Report Completion:**
 - Expect to complete the report to the Federal Working Group within one year.



Overview on IoT Federal Working Group and Relationship to IoT Advisory Board

Alison Kahn, NIST; Kat Megas, NIST
IoT Federal Working Group Co-conveners

18 January 2023

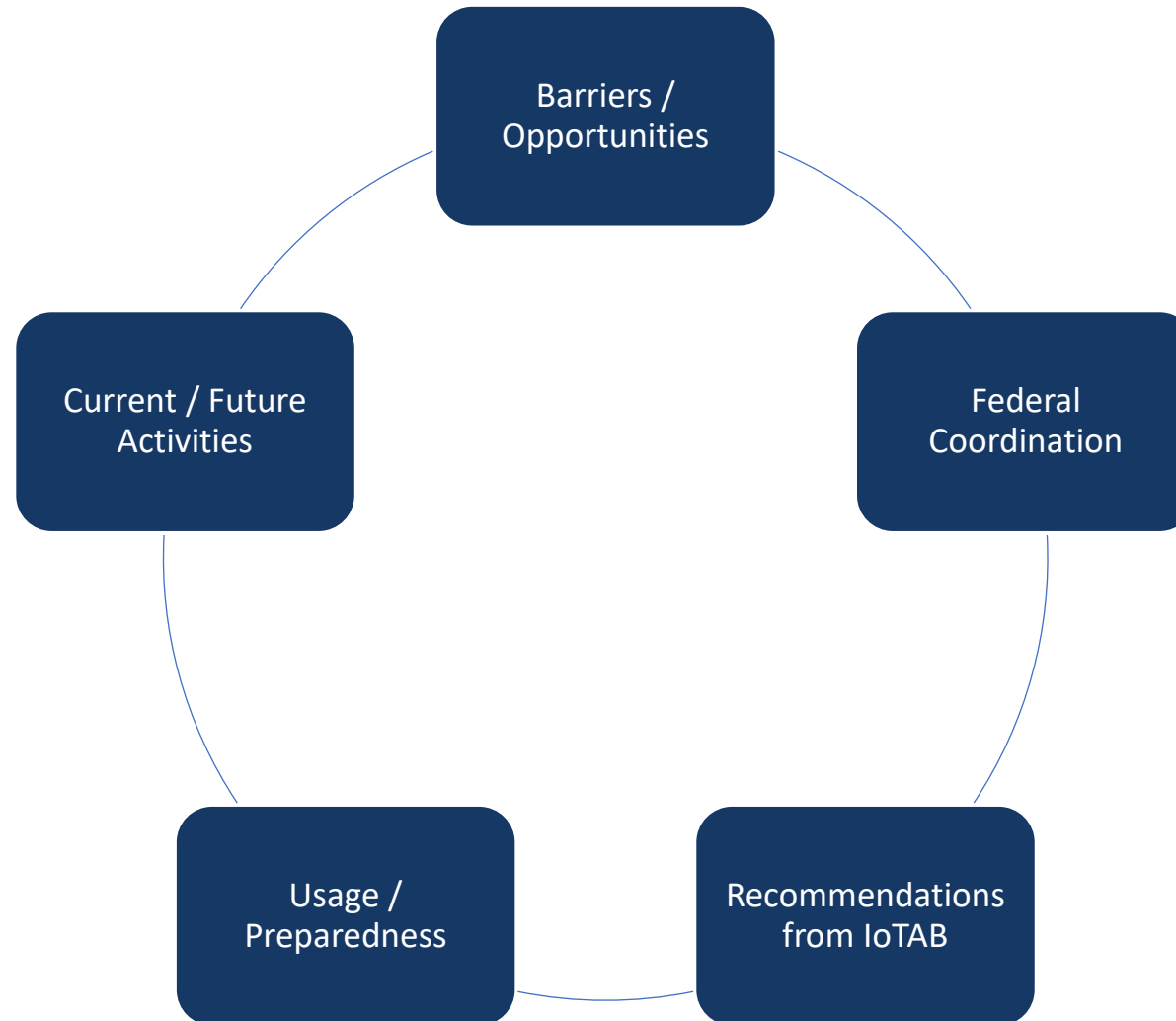
IoT Federal Working Group Overview & Relationship to IoT Advisory Board

IoT Federal Working Group (IoT FWG) is comprised of 18 Federal Agencies:

- ❖ National Institute of Standards and Technology
- ❖ Department of Homeland Security
- ❖ Department of Energy
- ❖ Office of Management and Budget
- ❖ National Oceanic and Atmospheric Administration
- ❖ Food and Drug Administration
- ❖ Department of Agriculture
- ❖ National Telecommunications and Information Administration
- ❖ National Science Foundation
- ❖ Consumer Product Safety Commission
- ❖ Environmental Protection Agency
- ❖ Federal Communications Commission
- ❖ Department of Transportation
- ❖ Federal Trade Commission
- ❖ Department of the Interior
- ❖ Office of Science and Technology Policy
- ❖ Air Force
- ❖ General Services Administration

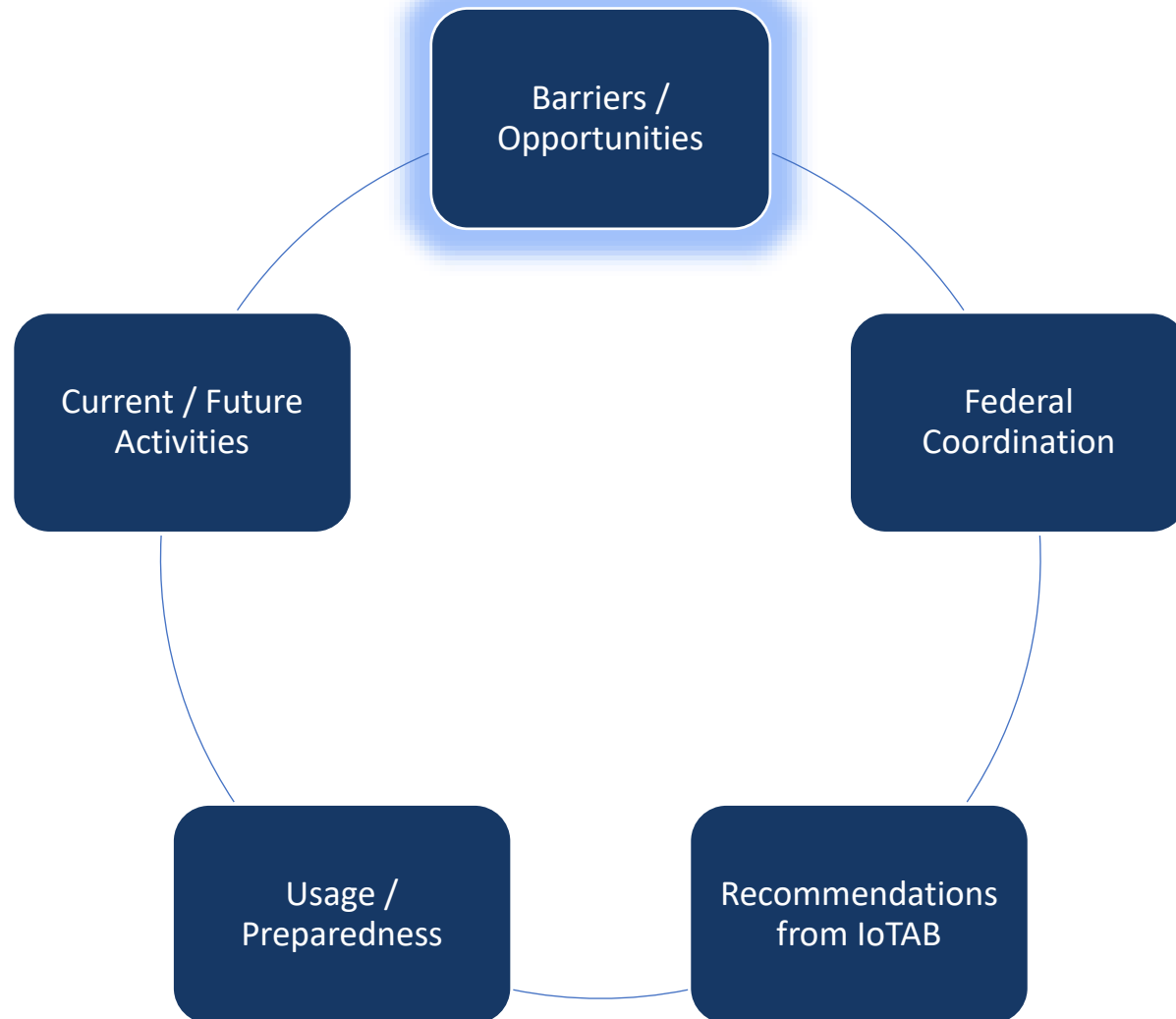
IoT Federal Working Group Overview & Relationship to IoT Advisory Board

The IoT FWG has 5 Duties According to the FY21 NDAA (Section 9204 (b)(2)):



IoT Federal Working Group Overview & Relationship to IoT Advisory Board

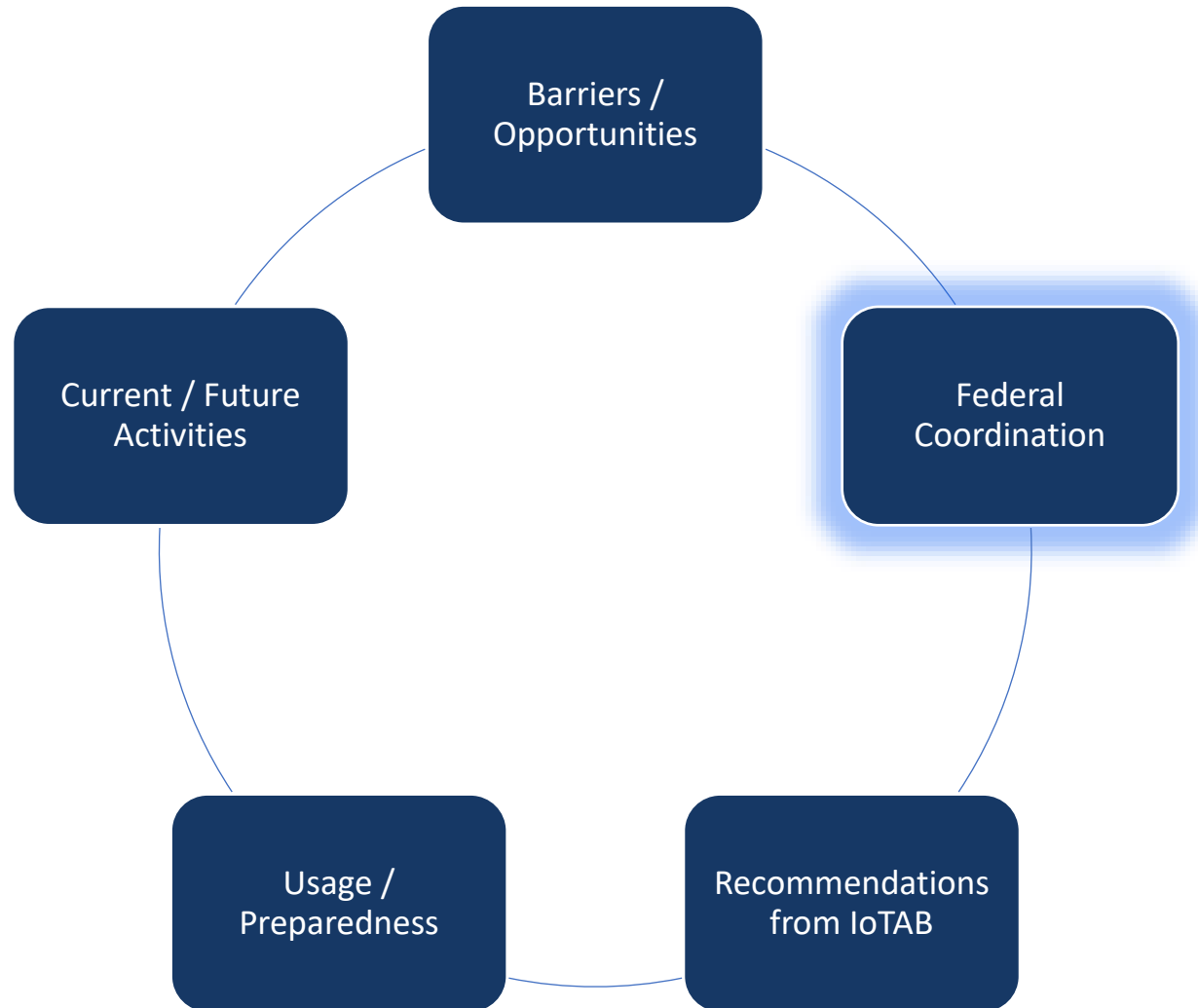
The IoT FWG has 5 Duties According to the FY21 NDAA (Section 9204 (b)(2)): :



Identify **any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges**, and other **sector-specific policies** that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

IoT Federal Working Group Overview & Relationship to IoT Advisory Board

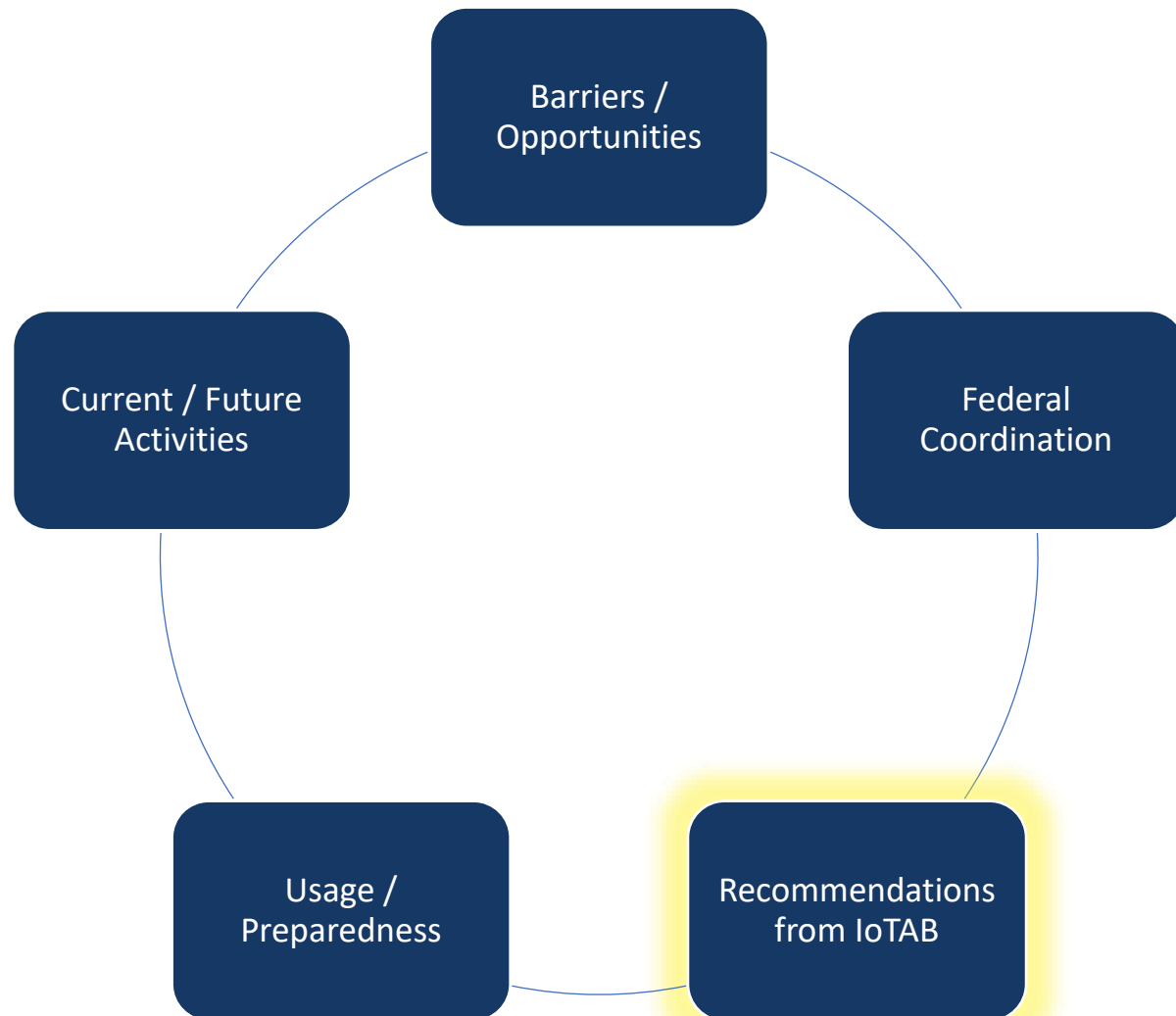
The IoT FWG has 5 Duties According to the FY21 NDAA (Section 9204 (b)(2)):



Consider **policies or programs** that encourage and **improve coordination among Federal agencies** that have responsibilities that are relevant to the objectives of this section;

IoT Federal Working Group Overview & Relationship to IoT Advisory Board

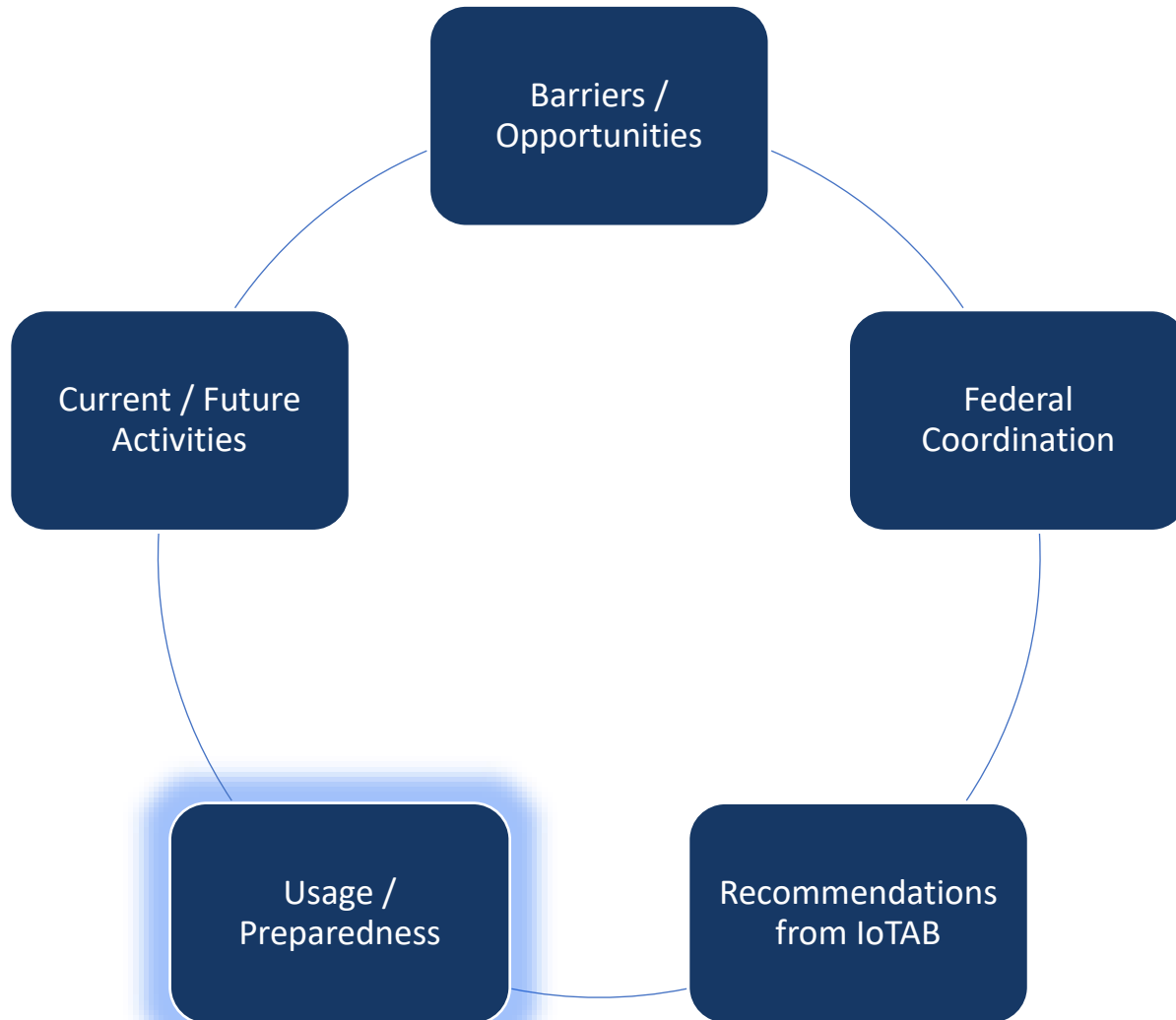
The IoT FWG has 5 Duties According to the FY21 NDAA (Section 9204 (b)(2)):



Consider any **findings or recommendations** made by the **steering committee [IoT Advisory Board]** and, where appropriate, **act to implement those recommendations;**

IoT Federal Working Group Overview & Relationship to IoT Advisory Board

The IoT FWG has 5 Duties According to the FY21 NDAA (Section 9204 (b)(2)):

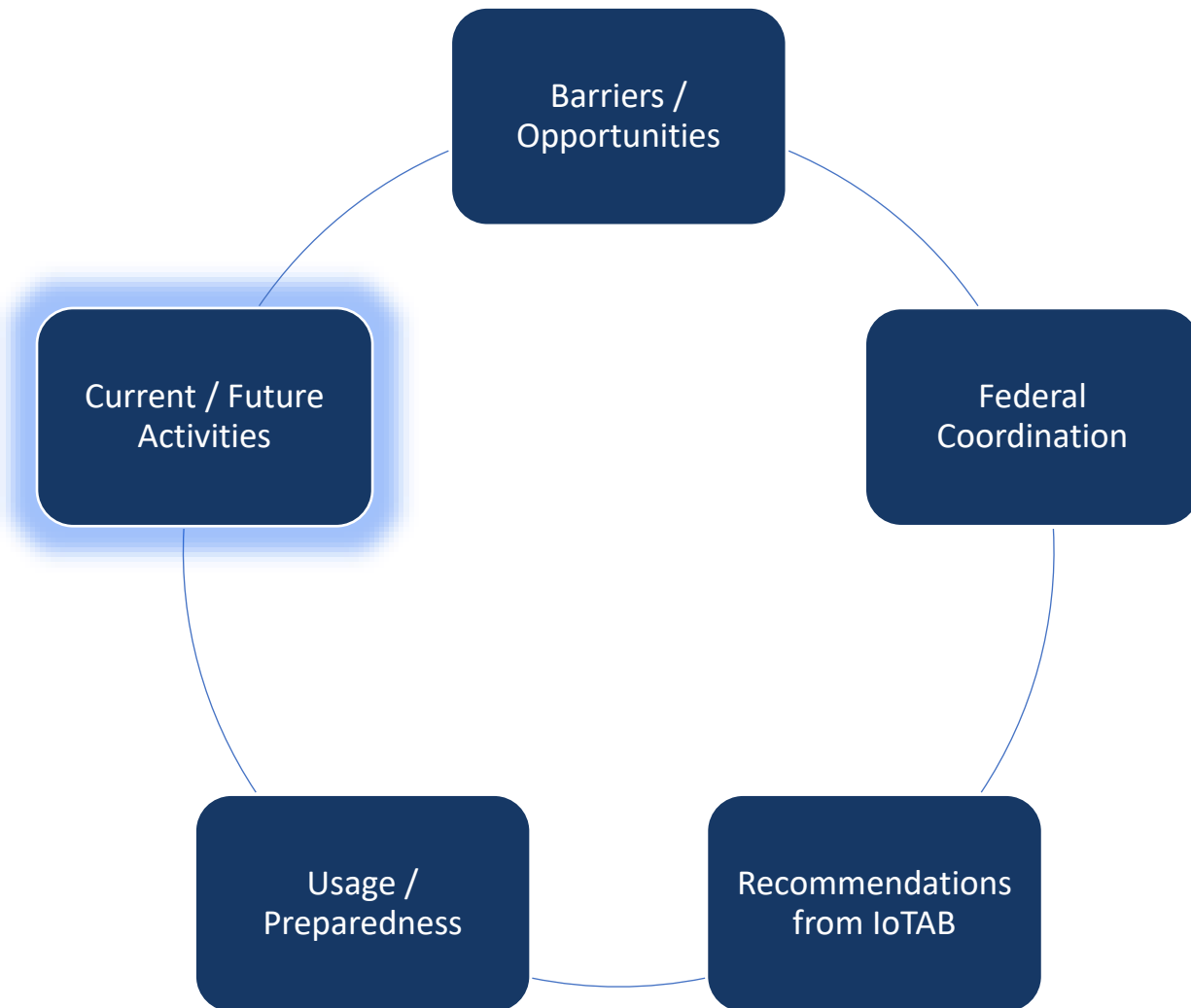


Examine—

- (i) how **Federal agencies can benefit** from utilizing the Internet of Things;
- (ii) the **use of Internet of Things technology** by Federal agencies as of the date on which the working group performs the examination;
- (iii) the **preparedness and ability of Federal agencies to adopt** Internet of Things technology as of the date on which the working group performs the examination and in the future; and
- (iv) any **additional security measures that Federal agencies may need to take to—**
 - (I) **safely and securely use the Internet of Things**, including measures that ensure the security of **critical infrastructure**; and
 - (II) **enhance the resiliency of Federal systems** against cyber threats to the Internet of Things;

IoT Federal Working Group Overview & Relationship to IoT Advisory Board

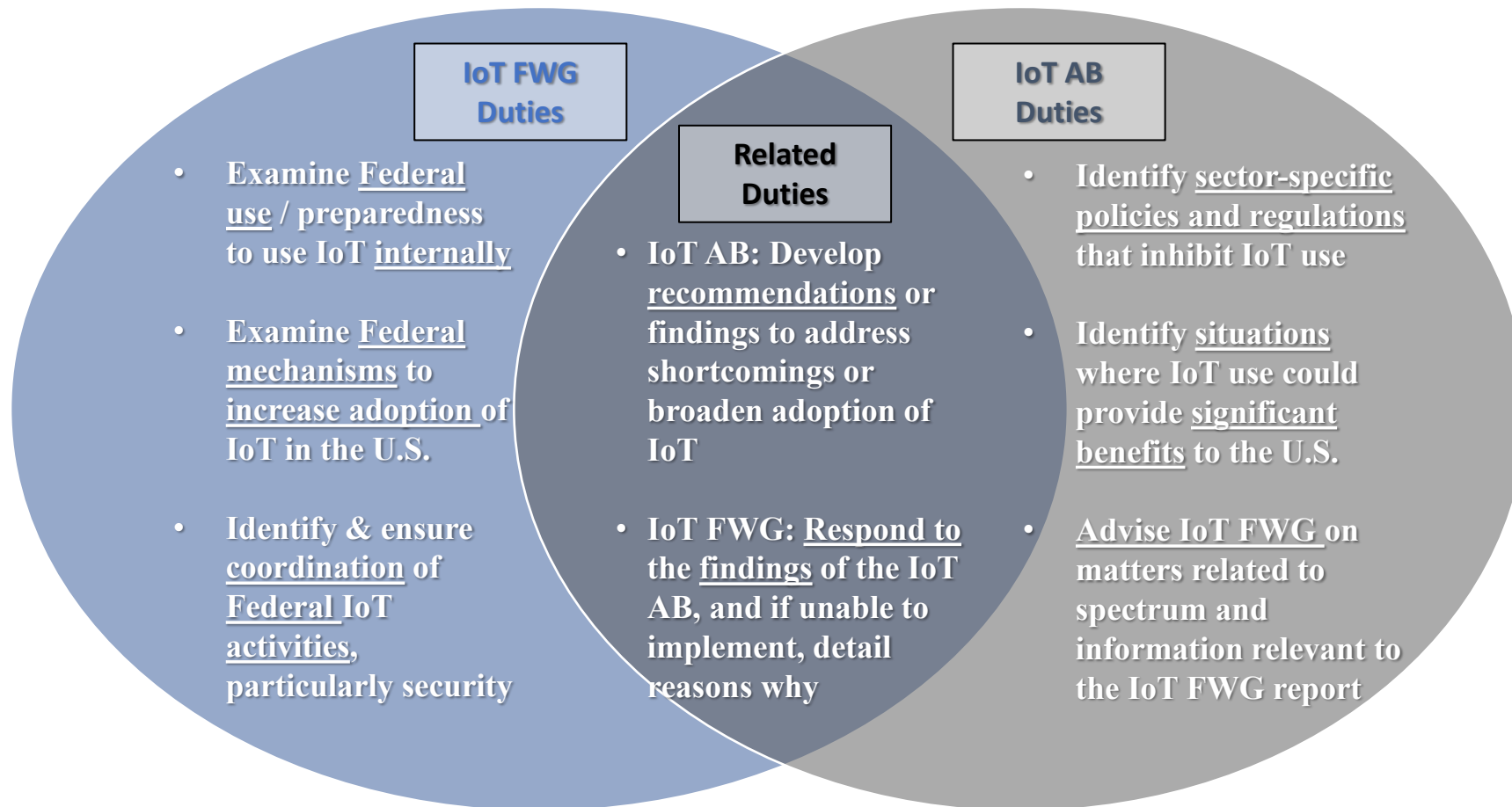
The IoT FWG has 5 Duties According to the FY21 NDAA (Section 9204 (b)(2)):



In carrying out the examinations required under subclauses (I) and (II) of subparagraph (D)(iv), ensure to the maximum extent possible the **coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things.**

IoT Federal Working Group Overview & Relationship to IoT Advisory Board

The IoT FWG expects to have the following relationship with the IoT Advisory Board:

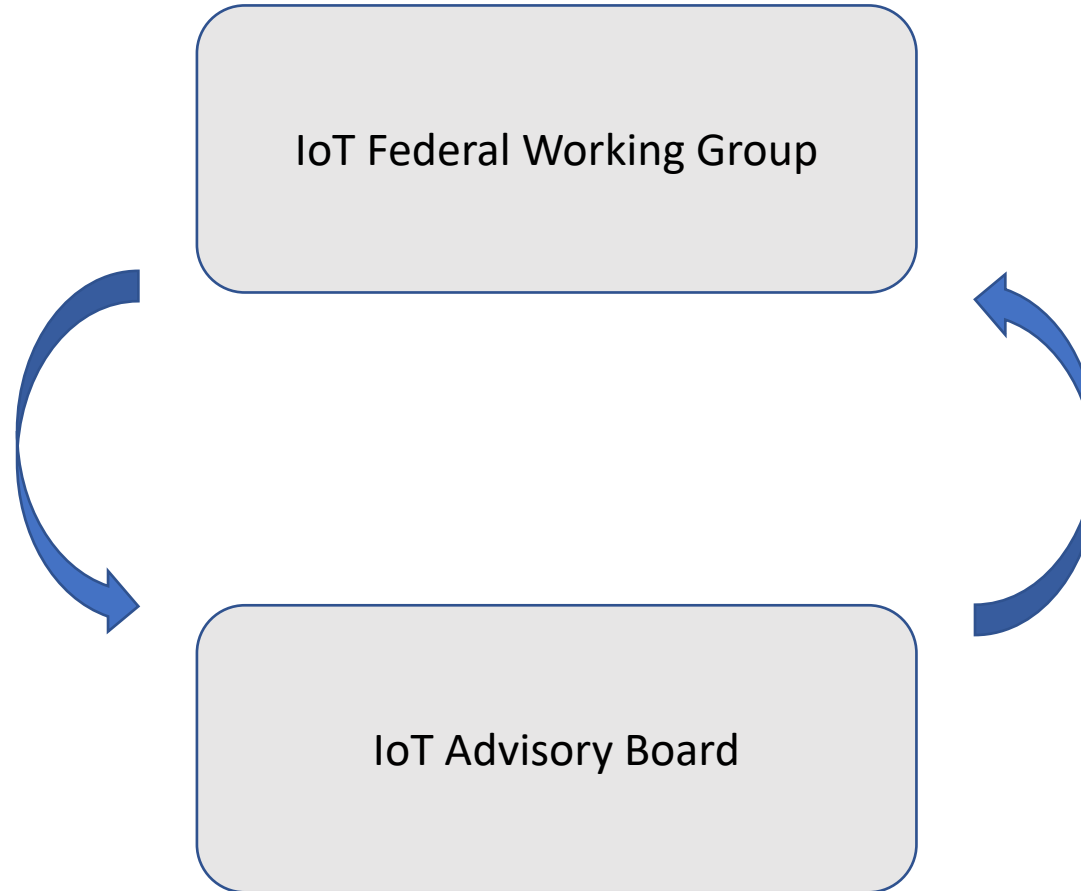


IoT Federal Working Group Overview & Relationship to IoT Advisory Board

The IoT FWG expects the following exchange of information with the IoT Advisory Board:

The FWG will provide the following inputs to the IoTAB:

- **Consult with the IoTAB regarding expertise needed for the FWG report** (NDAA Section 9204 b(4)(A))
- **Provide suggestions on topics or items for the IoTAB to study** (NDAA Section 9204 Section b(5)(E)(ii))



The IoTAB will provide the following inputs to the FWG:

- **Recommendations related to the Duties as specified in the FY21 NDAA—details in the IoTAB Charter** (NDAA Section 9204 b(5)(B))



Federal Advisory Committee Act (FACA) Responsibilities

Barbara Cuthill, NIST
IoT Advisory Board Secretariat
18 January 2023

Federal Advisory Committee Act (FACA)



NIST

- Through enactment of the **Federal Advisory Committee Act (FACA) of 1972** (Public Law 92-463), the U.S. Congress formally recognized the merits of seeking the advice and assistance of our nation's citizens.
- At the same time, the Congress also sought to assure that advisory committees:
 - Provide advice that is relevant, objective, and open to the public;
 - Act promptly to complete their work; and
 - Comply with reasonable cost controls and record keeping requirements.

The screenshot shows the GSA website's "Federal Advisory Committee Management Overview" page. The page header includes the GSA logo, "U.S. General Services Administration", a "Per Diem Lookup" button, and a search bar. A navigation menu contains "Buy Through Us", "Sell to Government", "Real Estate", "Policy & Regulations", "Small Business", "Travel", "Technology", and "About Us". The breadcrumb trail is "Home > Policy & Regulations > Policy > Federal Advisory Committee Management".

The main content area is titled "Federal Advisory Committee Management Overview". It includes a sidebar with links for "Overview", "Advice and Guidance", "Legislation and Regulations", "Performance Measurement", "FACA Database", "Finding Information on FACA Committees", and "FACA at 50".

The main text states: "The Committee Management Secretariat provides the following services to the groups it supports:"

- [Brochure](#) - describing procedures for establishing and managing a federal advisory committee
- [Training](#) - two days of instruction from the subject matter experts working in the FACA community
- [Annual Comprehensive Review Process required by FACA](#)
- Consultations
 - To ensure that the committees comply with FACA
 - Interpretations of the other federal open meeting laws
- [Advice and Guidance](#) - on establishing and managing federal advisory committees.

Background

The Federal Advisory Committee Act was enacted in 1972 to ensure that advice by the various advisory committees formed over the years is objective and accessible to the public. The Act formalized a process for establishing, operating, overseeing, and terminating these advisory bodies and created the Committee Management Secretariat to monitor compliance with the Act.


In 1976, Executive Order 12024 delegated to the administrator of GSA all responsibilities of the president for implementing the Federal Advisory Committee Act (FACA). Secretariat operations are directed at reporting to the president and Congress on the activities of at least 1000 federal advisory committees. Samples of documents and forms used by the Secretariat and its clients can be found in the "[Advice and Guidance](#)" pages.

On the right side, there are links for "Contacts", "Committee Management", and "Secretariat".

Selected Statutes/Regulations Influencing FACA Implementation



- Government in the Sunshine Act – Public Law 94-409, effective March 12, 1977
- Federal Advisory Committee Act Amendments of 1997
- GSA Federal Advisory Committee Management Final Rule



Thursday,
July 19, 2001

Part II
General Services Administration
41 CFR Parts 101-6 and 102-3
Federal Advisory Committee Management;
Final Rule

PUBLIC LAW 94-409—SEPT. 13, 1976 90 STAT. 1247

“(iii) all written responses, and memoranda stating the substance of all oral responses, to the materials described in clauses (i) and (ii) of this subparagraph;

“(D) upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this subsection, the agency, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation; and

“(E) the prohibitions of this subsection shall apply beginning at such time as the agency may designate, but in no case shall they begin to apply later than the time at which a proceeding is notified for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.

“(2) This subsection does not constitute authority to withhold information from Congress.”

(b) Section 551 of title 5, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (12);

(2) by striking out the “act.” at the end of paragraph (13) and inserting in lieu thereof “act; and”; and

(3) by adding at the end thereof the following new paragraph:

“(14) ‘ex parte communication’ means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this subchapter.”

(c) Section 556(d) of title 5, United States Code, is amended by inserting between the third and fourth sentences thereof the following new sentence: “The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section 557(d) of this title sufficient grounds for a decision adverse to a party who has knowingly

Applicability.

“Ex parte communication.”

5 USC 557.

Federal Advisory Committee Act with Amendments of 1997

The Federal Advisory Committee Act became law in 1972 and is the legal foundation defining how federal advisory committees operate. The law has special emphasis on open meetings, chartering, public involvement, and reporting. This version is from the House web site, complete with all Amendments and annotations.

5 USC TITLE 5 - APPENDIX 01/02/01

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES

TITLE 5 - APPENDIX

Item

Federal Advisory Committee Act (Pub. L. 92-463)
Inspector General Act of 1978 (Pub. L. 95-452)
Ethics in Government Act of 1978 (Titles I to V of Pub. L. 95-521)
Reorganization Plans

PUB. L. 92-463, OCT. 6, 1972, 86 STAT. 770,
AS AMENDED BY
PUB. L. 94-409, SEC. 5(C), SEPT. 13, 1976, 90 STAT. 1247,
PUB. L. 96-523, SEC. 2, DEC. 12, 1980, 94 STAT. 3040,
PUB. L. 97-375, TITLE II, SEC. 201(C), DEC. 21, 1982, 96 STAT. 1822,
PUB. L. 105-153, SEC. 2(A), (B), DEC. 17, 1997, 111 STAT. 2689

Sec. 1. Short title

This Act may be cited as the “Federal Advisory Committee Act”
(Pub. L. 92-463, Sec. 1, Oct. 6, 1972, 86 Stat. 770.)

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-153, Sec. 1, Dec. 17, 1997, 111 Stat. 2689, provided that: “This Act (enacting section 15 of Pub. L. 92-463, set out in this Appendix, amending section 3 of Pub. L. 92-463, set out in this Appendix, renumbering former section 15 of Pub. L. 92-463, set out in this Appendix, as section 16, and enacting provisions set out as notes under sections 3 and 15 of Pub. L. 92-463, set out in this Appendix) may be cited as the ‘Federal Advisory Committee Act Amendments of 1997.’”

Role of Federal Advisory Committees



NIST

- With the expertise from **advisory committee members**, federal officials and the nation have access to information and advise on a broad range of issues affecting federal policies and programs.
- The **public** is afforded an opportunity to provide input into a process that may form the basis for government decisions.





FACA Major Requirements

- Designated Federal Officers (DFOs) oversee and manage the federal advisory committee
- Committees must be chartered before they can meet or conduct any business
- Advisory committee membership is to be fairly balanced
- Federal advisory committees are to provide independent advice that is not inappropriately influenced by the appointing authority or any special interest
- Advisory committee meetings are required to be open to the public. (note: the IoT AB does not meet any of the limited exceptions for this.)
- All advisory committee documents must be available to the public, with limited exceptions

Benefits of Federal Advisory Committees



NIST

Transparency and participation improves citizen trust in government

Actions based on committee advice can be easier to implement

FACA requirements render advice from federal advisory committees credible

Designated Federal Officer



NIST

- Ensure compliance with FACA, and any other applicable laws and regulations;
- Call, attend, and adjourn committee meetings;
- Approve agendas;
- Maintain required records on costs and membership;
- Ensure efficient operations;
- Maintain records for availability to the public; and
- Provide copies of committee reports to the Committee Management Officer for forwarding to the Library of Congress.





- Arrange meetings that are reasonably accessible and at convenient locations and times;
- Publish at least 15 days in advance notice of meetings in the Federal Register;
- Open advisory committee meetings to the public;
- Make available for public inspection, subject to the Freedom of Information Act, papers and records, including detailed minutes of each meeting; and
- Maintain records of expenditures.

Information Will Be Available to the Public



NIST

- Written Comments submitted to IoT Advisory Board
- Meeting Minutes (within 90 days of meeting taking place)
- Meeting Agenda
- Draft report circulated for comment at meetings
- Presentation decks used at meetings



→ Will be available on the IoT Advisory Board website
<https://www.nist.gov/itl/applied-cybersecurity/nist-cybersecurity-iot-program/iot-advisory-board>

IoT Advisory Board Members



NIST



- Represent balanced expertise from a sectors relevant to IoT adoption in the US
- Maintain focus on goal report of recommendations that is the primary objective of the IoT Advisory Board
- Adhere to sunshine and transparency principles by keeping work in public meetings
- Coming prepared to meetings

- Do not speak on behalf of the committee unless authorized
- Do not use their position as a member of the IoT Advisory Board for their own personal benefit or promotion of private parties
- Do not engage in “grass-roots” lobbying