

March 7, 2011

TechAmerica Response to NIST Federal Register Request for Information Regarding the Effectiveness of Federal Agency Participation in Standardization:

TechAmerica is pleased to provide these comments to the National Science and Technology Council's Subcommittee on Standards on the effectiveness of Federal Agencies' participation in the development and implementation of standards and conformity assessment activities and programs. These comments are in response to the Request for Information published in the *Federal Register* on December 8, 2010 (Docket No. 0909100442-0563-02).

TechAmerica is the leading voice for the U.S. technology industry, which is the driving force behind productivity growth and jobs creation in the United States and the foundation of the global innovation economy. Representing approximately 1,500 member companies of all sizes from the public and commercial sectors of the economy, it is the industry's largest advocacy organization. It is also the technology industry's only grassroots-to-global advocacy network, with offices in state capitals around the United States, Washington, D.C., Europe (Brussels) and Asia (Beijing). TechAmerica was formed by the merger of AeA (formerly the American Electronics Association), the Cyber Security Industry Alliance (CSIA), the Information Technology Association of America (ITAA) and the Government Electronics & Information Technology Association (GEIA).

The technology industry's long partnership with government agencies (both civil and military) for the development of standards is a key reason for the US dominance in technology. Ensuring a strong, responsive standards system is critical to the success of U.S. products and programs. The experience of the information technology industry suggests that establishing open industry standards and clear policy goals helps foster competition and innovation. This has a profoundly positive impact on speeding industry adoption and consumer acceptance. It is with this purpose in mind that we suggest these overall principles.

Effectiveness of the methods Federal agencies have used to engage in standards-setting activities

The technology industry would encourage government agencies to work with industry to set applicable standards to ensure that impacts to design and manufacturing are considered along with safety and health. Efforts that seem to be most successful occur when the end performance or the acceptable limits were specified and then industry was allowed to work with government representatives in industry standards setting venues to determine the best way to meet the specified needs.

Effectiveness of Federal agencies coordination with the private sector

TechAmerica is looking to the NSTC Subcommittee to help establish more consistent interpretation and policy implementation across Federal agencies related to government

participation in standards development. Conflicting agency policies on membership, inconsistent support of dues and travel costs, and the wide variability of guidelines related to the ability of federal employees to take on leadership roles with technical committees or even in the governance structure of standards organizations, leads to confusion and lost opportunity for the public sector to be an equal and effective partner in standards setting.

We strongly encourage the NSTC Subcommittee to clarify, on a government-wide basis, policies which would help agency stakeholders understand the rules of engagement. Without competent government employees participation not only at the technical committee level, but at the standards governance level within standards setting organizations, private industry is unable to effectively partner with the public sector on critical standardization initiatives nor ensure that the standards systems meet the collective needs of both government and industry.

Adequacy and availability of Federal resources

The U.S. technology industry depends on the strong infrastructure of standards setting that government agencies bring to the public-private partnership. Certainly one of the cornerstones of the superiority of the US's defense, space and civil programs is the existence of the Defense Standardization Program Office and the system of Military Specifications and Standards. TechAmerica encourages the Department of Defense and other government agencies to continue to support the robust set of government technical standards that define our defense and space platforms and programs as these same standards are also the major source of data used for civil aircraft. We encourage the DoD and other government agencies to grow and expand their efforts to work together with industry in voluntary consensus standards setting venues to develop the industry standards that define our defense and space platforms and programs.

At the same time, TechAmerica encourages the NSTC Subcommittee to help government agencies to recognize that the development and use of industry standards is not free. Just as the internal development and distribution of government standards is not without cost, participation in the development of industry standards and then the subsequent purchase of the standards requires resources. Federal agencies need to budget for the time and travel of government experts to participate in the industry standards setting process. Managed correctly, participation with industry, pursuant to the National Technology Transfer and Advancement Act (NTTAA) and OMB A-119, is a strategic investment in the standards which can ultimately control costs and improve quality and safety of government purchased products and services.

The technology industry would also like to encourage greater government support for the National Institute of Standards and Technology (NIST) in carrying out its assigned roles and responsibilities under OMB Circular A-119.

Other issues that arise and are considered during the standards setting process which impact the process, and the timeliness, adoption and use of the resulting standards.

The RFI also sought comments regarding the federal role in standards setting relative to a few specific areas---e.g., smart grid, cyber security, and health IT. We believe that the model used by NIST to foster the creation of smart grid standards has been innovative. Importantly, this effort has leveraged voluntary, industry-led, consensus based standards. However, it is too early to fully assess the merits of using this model in other subject areas. Moreover, this approach to governmental involvement in the standards setting process is particularly resource intensive. If overused, the danger exists that NIST's limited resources could be stretched to the point that other important initiatives are sacrificed.

Agencies that maintain a standards office/function staffed by full-time standards professionals whose careers are independent of any single administration, are those which are best able to develop, nurture and maintain positive public-private partnerships as well as forge strong interagency standardization networks. It is difficult for the private sector to work with a federal agency that doesn't have individuals with a strong understanding of the value of standards, codes, conformity assessment process and the standards systems used by US industry.

TechAmerica would encourage the NSTC Sub-committee on Standards to work with the Standardization Executives to ensure that each agency develops and maintains a strong core office of professionals dedicated to helping coordinate standardization activities between agencies and with the private sectors. These government standards professionals should be encouraged to engage with and participate in standards setting organizations at the governance and policy level to help foster a stronger partnership.

Additionally, we would like to emphasize the connection between innovation and the protection of intellectual property rights contained in standards. The US Government should consider ways to ensure that standards organizations have IPR policies which meet the requirements established by OMB Circular A119. However, we would urge the US Government to avoid regulations or preferences directed at a particular IPR policy, noting that no single policy would be appropriate across all standards types and in every standardization instance.

Summary

Our nation's economy and national security rest on the strength of the technology industry and its products, which in turn owes its strength to the robustness and flexibility of the standards systems it uses. The ability to collaborate with government agencies to identify and develop the standards necessary to support this vital industry is integral to the continued success of US superiority. TechAmerica and its members welcome the opportunity to continue to search for ways to improve this proven public-private standards partnership and to communicate and share requirements in standards setting venues in order to work together to respond to civil and defense priorities.

The technology industry not only welcomes, but requires, the participation of government experts in standards development activities. Together we continue to create standards which can be adopted and relied on by government agencies. We welcome the opportunity to work with the NSTC Subcommittee on Standards and with entities such as NIST and ANSI to continue to build upon the success of the NTTAA. We appreciate the opportunity to provide these comments and we look forward to being a part of the ongoing dialogue between members of the Subcommittee and other key stakeholders from the standardization community.

Sincerely,

A handwritten signature in cursive script that reads "Chris Denham".

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