Comments from the American National Standards Institute (ANSI):

Draft U.S. Government National Standards Strategy for Critical and Emerging Technology (USG NSSCET) Implementation Roadmap

July 12, 2024

Introduction

Thank you for the opportunity to provide input on the draft U.S. Government National Standards Strategy for Critical and Emerging Technology (USG NSSCET) Implementation Roadmap. Consideration of private sector feedback at several stages in the development of this document is greatly appreciated. We want to acknowledge the substantial level of effort reflected in the draft, reflecting NIST's extended efforts to consolidate and analyze the RFI responses and input from many listening sessions, as well as input from the NIST Visiting Committee on Advanced Technology and other federal advisory committees.

The public-private partnership model is key to the success of the private sector-led U.S. approach to standards. In the spirit of this partnership, we look forward to working with you to address the lack of clarity in some aspects of the draft Roadmap, and to shaping the Roadmap to be a useful tool for the U.S. government's engagement in standards.

Both this draft and the final version of the Roadmap will be widely reviewed and parsed in detail for clear messages. In that context, it is important to ensure clarity of intent as well as consistent messaging regarding the purpose of the Roadmap.

In this context, while we are pleased to see the Roadmap acknowledge the private sector-led nature of the U.S. standards system, we are concerned that some statements in the draft Roadmap contradict the U.S. government's commitment to this proven system, for example by calling for shared public and private sector leadership. This may inadvertently weaken the very system that the USG NSSCET and Roadmap seek to strengthen.

We are concerned about mixed messages in the Roadmap that appear to indicate the U.S. government is undertaking activities that are duplicative of what the private sector is already successfully undertaking, for example calling for the U.S. government to deepen cooperation with allies and partners on standards governance and development.

The Roadmap does not assign a priority to specific government actions, nor does it describe how increased government activities will be coordinated with the private sector. Lack of sufficient coordination could result in conflicts that diminish U.S. leadership in standardization. This concern is further heightened as many of the proposed activities and outcomes require significant and long-term budgetary investments by the U.S. government. Furthermore, the Roadmap does not address the allocation of responsibilities—that is, which U.S. government agency will lead on which outcome/action—creating uncertainty for the private sector and questions about accountability and leadership.

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As a first priority, we recommend that the Roadmap and related USG communications reinforce the USG's commitment to working as a stakeholder in the private sector-led U.S. standards system.

This reinforcement should feature an explicit government recommitment to the established parameters that define conditions for when the federal government takes on an active engagement or coordination role in standards development and necessary preconditions to support success. (See in particular White House memo M-12-08, which states that "In limited policy areas, however, where a national priority has been identified in statute, regulation, or Administration policy, active engagement or a convening role by the Federal Government may be needed to accelerate standards development and implementation to help spur technological advances and broaden technology adoption....The Federal Government should clearly define its role, and then work with private sector standardization organizations in the exercise of that role." The objectives in M-12-08 were also endorsed in OMB Circular A-119 when it was revised in 2016.)

Second, we recommend that the Roadmap and related communications include a strong statement and recognition that the U.S. government fully supports the multiple path approach to international standards. This approach is enshrined both in the WTO TBT Committee decision on international standards as well as in the *United States Standards Strategy (USSS)*.[1] We are concerned that, in the absence of this explicit recognition, other governments will see ambiguity regarding references to international standardization and may misinterpret those references as applying exclusively to ISO, IEC, and the ITU.

Third, we believe that _advance_ coordination with the private sector should be a hallmark in areas where the USG intends to deepen standards cooperation with allies and partners to support a robust standards governance process and to influence CET standards development. Absent sufficient coordination with the private sector, increased government engagement with foreign governments to seemingly address governance-related concerns in private sector-led standards organizations will likely lead to conflicting messages from U.S. stakeholders, which ultimately weakens U.S. standards leadership. In addition, there is no discussion of how the U.S. government will address actions by allies and partner governments that disproportionately disadvantage U.S. stakeholders in international standards activities or undermine international standards processes.

Fourth, we recommend that the final Roadmap include the following "disclaimer," prior to the Executive Summary. This language is already included in the body of the Roadmap, and bears highlighting:

"This roadmap outlines immediate and long-term U.S. government (USG) actions to reinforce its support for the private sector-led system and work in partnership with private sector stakeholders to address opportunities and challenges related to standards development activities for CET. Agencies are encouraged to take specific actions when they are compatible with agency and departmental missions, authorities, priorities and applicable law. The roadmap does not intentionally recommend actions for non-USG organizations or stakeholders but does seek to align efforts of the USG with private sector activities."

Below, we identify specific "red flags" that undercut the intended purpose of the draft Roadmap.

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[1] www.ansi.org/usss

Red Flags

Statements that contribute to confusion regarding the "USG commitment to working as a stakeholder in the private sector-led U.S. standards system"—one of the three themes on which NIST requested input. The focus throughout the Roadmap should be on USG actions. Many statements appear to relate to the broader U.S. community, when the focus should be on the USG. In some instances, it is suggested that the USG play a role that is clearly within the private sector's responsibility, or a role that could conflict with that of the private sector.

- **Assertion that the USG intends to pursue "shared private and public sector leadership" of the standardization system.** The document does not explain what that means or how it would work—it simply states that the USG will inform the private sector at a later time. The term, "shared leadership," is undefined and does not accurately reflect stakeholder feedback on the role of government in the private sector-led system. It implies that there is a gap in leadership that the government needs to address.

- **Statements that the USG intends to deepen standards cooperation with allies and partners to support a robust standards governance process and to influence CET standards development without explaining how such efforts will be coordinated with the private sector**. Absent sufficient coordination with the private sector, increased government engagement with foreign governments will likely lead to conflicting messages from U.S. stakeholders, which ultimately weakens U.S. standards leadership.
    - See Outcome 4, item 4.3 about working with likeminded partners and allies to create coordination tools to enable information sharing on international standards development activities such as sharing new CET standards proposals. This ignores the fact that while in a few organizations this information is publicly available and can be publicly shared, in most standards organizations such information is for the use of the participants in the activity and not to be shared outside. How does the USG plan to address that?

    See Outcome 6, "Enhance USG and like-minded nations' representation and sustain influence in international standards system." While the USG is free to do so in ITU-T, in other bodies where the government is not the lead representative in the international standards developing organizations, this would amount to undue interference in the operations of private standards bodies. The statement as written could be construed to suggest that the USG operate outside of the ANSI Technical Advisory Group (TAG) framework for developing a national position.

- **Calls for increased use of frameworks and roadmaps that are developed outside the standards development process.** This will fragment scarce resources and detract from relevant standards. Where standards development organizations are investing in frameworks and roadmaps, those efforts should be supported. When USG-developed frameworks are needed, they should be planned to result in contributions to standards development to support, rather than detract from, development of relevant standards.
    - See Section 3.2.1, which states that "A unique role the USG can and often does facilitate is the creation of strategic frameworks and standards development roadmaps for nascent CET areas." There are other references in the Roadmap that imply this is a government activity.

- o This is not a unique government role. The private sector—including ANSI, technical committees, TAGs, and professional societies—already do the same.
- o When NIST has been asked to convene stakeholders for standards needs/gaps/roadmapping activities, it is very specifically in the context of the USG's own needs (or as a result of a legislative or Executive Order tasking), and that context is missing.

- **Overemphasis on "barriers to participation" as a general issue**. Specific examples of barriers in the Roadmap focus on lack of information on standards activities, and the need for education and training on participation. These barriers are identified for the federal government as well as the private sector. These should be called out specifically, rather than generalizing the perceived existence of barriers as mostly these barriers are not systemic issues across a majority of standards bodies, but rather specific to certain standards developing organizations.

Thank you again for the opportunity to provide input on the draft USG NSSCET Implementation Roadmap. We would very much appreciate the opportunity for ANSI senior leadership and a small group of ANSI Board members to meet in person with Dr. Locascio to discuss ANSI's written submission and to answer any questions. We understand the tight timing and parameters within which NIST is operating in this instance, and feel that an in-person meeting would be valuable to our continued partnership.