

U.S. HOUSE OF REPRESENTATIVES
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July 23, 2001

Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Eisenhower Executive Office Building
Washington, DC 20503

Dear Mr. Daniels,

The Environment, Technology, and Standards Subcommittee of the House Science Committee recently held a hearing on standards-setting and United States competitiveness. The hearing reviewed the impact of standards on the United States economy and the ability of our nation to compete internationally. The hearing also discussed reforms in the standards-setting process that could make American industries, such as the information technology sector, more globally competitive.

One issue that received a great deal of attention was how consortia-developed standards qualify for government procurement under regulatory interpretation, as determined by the Office of Management and Budget's Office of Information and Regulatory Affairs, of the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113). On December 27, 1996, OMB published a "Notice and Request for Comments on Proposed Revision of OMB Circular A-119" (61 FR 68312). OMB subsequently issued "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities" made effective on February 19, 1998, and issued a revised Circular A-119.

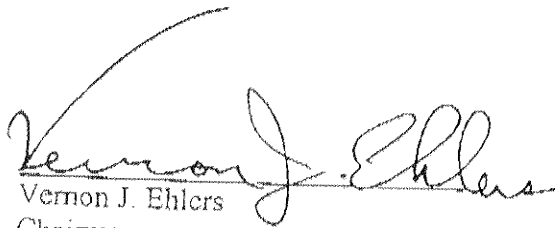
If a consortium can show itself to be a private, consensus organization then its standards would clearly qualify under the circular. We believe, however, that even if a consortia standard were not developed in a formal consensus process, the government should still be allowed to purchase products made in accordance with that standard unless there was available a relevant, voluntary standard that was developed by consensus. One of the witnesses at our hearing expressed the concern within the information technology industry that the circular may be interpreted so narrowly that it would prevent the government from procuring products that meet consortia developed standards, equating those with proprietary (single company) specifications.

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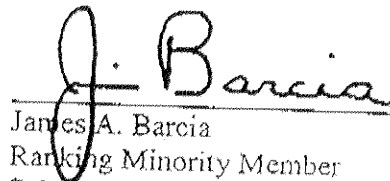
Letter to OMB Director Daniels
July 23, 2001

Your assistance in resolving the extent to which the use of consortia-developed standards is currently permitted under the OMB revision of Circular A-119 would be very helpful in determining if any future congressional action may be necessary in resolving this issue. We would greatly appreciate your prompt attention to this matter and we look forward to your response. If you should have any questions, please feel free to contact the subcommittee at (202) 225-8844.

With best regards,



Vernon J. Ehlers
Chairman
Subcommittee on Environment,
Technology and Standards



James A. Barcia
Ranking Minority Member
Subcommittee on Environment,
Technology and Standards



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ASSOCIATE DIRECTOR
FOR LEGISLATIVE AFFAIRS

November 16, 2001

The Honorable Vernon J. Ehlers
Chairman
Subcommittee on Environment,
Technology and Standards
Committee on Science
U.S. House of Representatives
Washington, D.C. 20515

Re: Correspondence #59614

Dear Mr. Chairman:

Thank you for your letter to the Director regarding your concerns with revisions to Circular A-119.

The Office of Management and Budget (OMB) will take careful note of your interest in this issue and intends to provide you with a substantive response to your letter soon.

Should you have any further questions regarding the status of your request, or any other matter related to OMB, please feel free to contact me at 202-395-4790.

Thank you again for your letter.

Sincerely,

A handwritten signature in cursive script that reads "Eric C. Pelletier".

Eric C. Pelletier
Associate Director
for Legislative Affairs

Identical Letter Sent to The Honorable James A. Barcia