

PUBLIC LAW THAT PERMITS PAYMENT OF EXPENSES OF GOVERNMENT  
PERSONNEL IN STANDARDS DEVELOPMENT ACTIVITIES

The Public Law 107-107 National Defense Authorization Act for Fiscal Year 2002, Section 1115, Participation of Personnel in Technical Standards Development Activities modifies Public Law 104-113 The National Technology Transfer and Advancement Act of 1996. The modification nullifies language included in much older legislation Section 5946 of Title 5 of the U. S. Code, which restricts use of appropriated funds for payment of membership dues or expenses of an individual at meetings or conventions of members of a society or association.

The following is the modified text of Section 12 (d) of Public Law 104-113 the National Technology Transfer and Advancement Act with the additional text located in paragraph (4):

- (d) Utilization of Consensus Technical Standards by Federal Agencies; Reports-
- (1) In General. – Except as provided in paragraph (3) three of this subsection, all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities deemed by the agencies and departments.
  - (2) Consultation: Participation – In carrying out paragraph (1) of this subsection, Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards.
  - (3) Exception – If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. Each year, beginning with fiscal year 1997, the Office of Management and Budget shall transmit to Congress and its committees a report summarizing all explanation received in the preceding year under this paragraph.
  - (4) *Expenses of Government Personnel. – Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.*”
  - (5) Definition of Technical Standards. - As used in this subsection, the term “technical standards” means performance-based or design-specific technical specifications and related management system practices.