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January 16, 2015

VIA HAND DELIVERY

Mr. John Smith
Acting Director
Office of Foreign Assets Control
U.S. Department of Treasury
1500 Pennsylvania Avenue, NW Washington D.C. 20220
Attention: Licensing Division

Re: Licensing Request for Iran, Cuba, Sudan, and North Korea Concerning Authorization to Engage in ANSI-Coordinated U.S. Participation in International Standards Development

Dear Director Smith:

On behalf of the American National Standards Institute ("ANSI") and ANSI-accredited U.S. Technical Advisory Groups ("TAGs"), and after consultation with the U.S. National Institute of Standards and Technology (NIST), we submit this request for a specific license for ANSI and its TAGs to engage in standards-development activities at the International Organization for Standardization ("ISO") and the International Electrotechnical Committee ("IEC") – the two major, non-treaty international standards organizations. Although these standards-development activities are more thoroughly described below and in the accompanying exhibits, such activities may include, but are not limited to, collaboration in technical committees, subcommittees, and working groups, exchanges with national delegation experts and standards-setting representatives from Iran, Cuba, Sudan, and North Korea, and full participation in the public review and national adoption process. This licensing request is submitted in accordance with the provisions of 31 C.F.R. 501.801.

I. SUMMARY

ANSI is a private, non-profit membership organization and coordinator for the United States, private-sector voluntary standardization system. ANSI operates with the participation of

a diverse array of private- and public-sector organizations, including the U.S. government, and oversees the creation, promulgation and use of thousands of standards that directly impact businesses and consumers in nearly every industry and product line. ANSI works in close collaboration with stakeholders from both industry and government to identify consensus-based solutions to national and global priorities.

ANSI is the sole U.S. representative and dues-paying member of ISO and IEC[1]. A third international standards organization is the International Telecommunications Union ("ITU"). All three international standards organizations – ISO, IEC and ITU -- include Iran, Sudan, Cuba and North Korea as members.[2]

As explained more fully below, in its August 14, 2012 guidance to ANSI, OFAC determined that ANSI's standards-setting activities involve either (1) exempt exportation of informational materials,[3] or licensed collaboration on the creation and enhancement of written publications.[4] Nevertheless, because of continued uncertainty regarding participating in standards-setting activities with participants from Iran, Cuba, Sudan, and North Korea, ANSI is seeking specific authorization from OFAC to engage in these activities. Such authorization would facilitate ANSI's activities in accordance with OFAC's August 14, 2012 guidance and both the informational materials exemption and the written publications general license.

II. FACTUAL BACKGROUND

A. Prior Requests for Interpretive Guidance to OFAC

On March 29, 2012, ANSI filed a request for interpretative guidance with OFAC regarding U.S. participation in international standards development activities. ANSI asked OFAC for guidance on whether participation in standards development activities with ISO and IEC creates exposure for ANSI, its members or participating U.S. experts under OFAC-administered trade regulations, given that those activities include participants from Iran, Sudan, Cuba and North Korea. The request was prompted by concerns expressed by members of the American Petroleum Institute ("API"), an ANSI-accredited "TAG Administrator," about whether their continued participation in ISO standards development was permissible in light of the ITSR prohibitions on exports to Iran. ANSI's application was supported by the National Institute of

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[1] ANSI participates in the IEC through the United States National Committee ("USNC").

[2] The World Standards Cooperation (WSC) was established by ISO, IEC and ITU in 2001 to ensure that the three organizations work transparently to strengthen and advance the voluntary consensus-based international standards systems of each organization.

[3] *See, e.g.*, 31 C.F.R § 560.210(c) of the Iranian Transactions and Sanctions Regulations ("ITSR"); 31 C.F.R § 515.206(a) of the Cuban Assets Control Regulations ("CACR"); and 31 C.F.R. § 538.212(c) of the Sudanese Sanctions Regulations ("SSR").

[4] *See, e.g.*, 31 C.F.R. § 560.538 (ITSR); 31 C.F.R. § 515.577 (CACR); 31 C.F.R. § 538.529 (SSR).

Standards and Technology ("NIST") (**Exhibit 1**) and by the International Organization for Standardization ("ISO") (**Exhibit 2**).

On August 14, 2012, OFAC responded to ANSI's request stating that "all U.S. person engagement in ANSI's standard-setting activities, as described in [ANSI's] letter, appears to involve either: (1) exempt exportation of informational materials described in section 560.210 (C) of the ITR; or (2) licensed collaboration on the creation and enhancement of written publications – in this instance, international standards – with representatives of an Iranian Research Institution, as authorized by the general license in section 560.538 of the ITR" (**Exhibit 3**).

On October 4, 2012, API filed a separate request for guidance in which it asked for clarification on two additional questions, specifically (i.) whether API could license pre-existing technical standards to ISO with the knowledge that ISO would permit embargoed countries to adopt, exploit and modify the standards; and (ii.) whether API could participate in ISO working groups and share information that was subject to the Commerce Department's export regulations and was "non-public", *i.e.*, had not previously been published or otherwise released in the public domain (**Exhibit 4**).

OFAC responded to API's request in a letter, dated March 14, 2014, noting that it did not view licensing the right to revise and create derivative works from standards as either exempt or authorized by the general license and that it would require a license for certain transactions to the extent that shared technical data was not fully created and in existence at the time of transaction and did not fit within the definition of "informational or informational materials" as such sharing would constitute a prohibited exportation of services or goods (**Exhibit 5**). OFAC noted that it would consider a request for authorization to license API's pre-existing petroleum standards to ISO, which standards may then be adopted by U.S.-sanctioned countries, if API were to submit a request for a specific license. API did not thereafter request a specific license.

Although ANSI believes that OFAC's response to API was limited to the unique facts presented by API in its request to OFAC, ANSI has received a number of questions about the scope and effect of OFAC's March 14 letter to API and has heard concerns that this OFAC opinion amends in some way the broad guidance that OFAC earlier provided to ANSI. Therefore, ANSI requests a specific license from OFAC to dispel any remaining concerns about the legality of ANSI's and its TAG's continuing participation in international activities in ISO and IEC, as described in more detail below.

B. ISO/IEC and Their Members

ISO is a worldwide federation and network of national standards bodies which acts as a bridging organization through which a consensus can be reached on international standards solutions that meet both the requirements of business and the broader needs of society.[5] ISO

[5] As defined in ISO/IEC's Directives, an "international standard" is "a document, established by consensus and approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context."

facilitates the internationalization and unification of standards and related activities over almost the entire range of technology. Currently, ISO's members include 163 countries, including 100 "Full Members" (able to participate in any and all ISO governance and technical standards development activities) and 63 "Subscribing" and "Correspondent" Members (aimed at smaller or developing countries). Full ISO members (like ANSI) may choose to actively participate in (referred to as P membership) or simply observe (referred to as O membership) the activities of ISO committees, based on their national interests. Each country is represented by one organization, typically the national organization most representative of standardization for the country.

Similarly, IEC is a worldwide federation of national members which facilitates international standards development in the fields of electricity, electronics and related technology. As with ISO, full IEC members (like ANSI, via its U.S. National Committee ("USNC"))[6] may choose to participate in the activities of IEC committees as P or O members. The IEC currently has a total membership of 163 countries, including 60 "Full Members", 22 "Associate Members" (limited voting rights), and 81 "Affiliate Members" (aimed at developing countries).[7]

National members to ISO and IEC may be a private-sector organization (like ANSI), research institutes or governmental agencies. Iran, Cuba, North Korea, and Sudan are each represented in ISO/ IEC: Iran participates through the Institute of Standards & Industrial Research of Iran ("ISIRI"), Cuba through the Oficina Nacional de Normalizacion ("NC"), North Korea through the Committee for Standardization of the Democratic People's Republic of Korea ("CSK") and Sudan through the Sudanese Standards and Metrology Organization ("SSMO"). The following chart compares ANSI's participation in ISO and IEC with participation by the members of these other countries:

Member Body	**ISO Member?**	**ISO Activity**	**IEC Member?**	**IEC Activity**
ANSI	Yes, full and founding	612 (P and 0)	Yes, full and founding	154 (P)
ISIRI	Yes, full	469 (P and 0)	Yes, full	69 (P and 0)
NC	Yes, full	203 (P and 0)	Yes, associate	3 (P and 0)
CSK	Yes, full	96 (P and 0)	Yes, associate	3 (TCs)
SSMO	Yes, full	12 (P and 0)	Yes, affiliate	10 (P and 0)

[6] The USNC is an integrated committee of ANSI that serves as the focal point for U.S. parties who are interested in the development, promulgation and use of globally-relevant standards for the electotechnical industry.

[7] The ITU, the third international standards development organization is an agency of the United Nations whose purpose is to coordinate the development of international standards in the field of telecommunication operations and services.

Additional background information relating to each national body member is attached as **Exhibit 6**.

C. International Standards Development and National Adoptions

ISO and IEC define the procedures to be followed in the development of International Standards and other publications in the ISO/IEC "Directives" (**Exhibits 7** and **8**). As described in the Directives, the typical ISO standards development process involves a series of development stages, from consideration of proposals for new work, through drafting of standards in working groups and national voting and commenting, to final formal confirmation, publication and "national adoption." Each stage of development presents ISO members with opportunities to influence the results of the ISO standards development process. Information shared in the development of ISO standards in ISO committees at any stage is regarded as public and "open" as there are no restrictions on those participating to keep it confidential, and indeed, as noted below, those participating are encouraged to seek broad input.[8]

1. New Work Proposals

In ISO, the standards development process typically starts with a suggestion by a particular industry sector that an international standard be developed in a given area. If the proposal is approved by a majority of ISO members, a new committee is formed and ISO delegates the responsibility of managing the committee to one of the participating member countries. The ISO member body that assumes this role is called the "Secretariat" of the committee. The Secretariat is responsible for coordinating the work of the committee and ensuring the timely progression of the ISO deliverables under its auspices.[9]

2. Technical Committees and Subcommittees

ISO standards are developed by technical committees and subcommittees. These technical committees and subcommittees may establish further substructures, such as working groups, comprised of national delegations of experts from the industrial, technical, and business sectors that have need for the standards and will implement them. The experts on these delegations may be joined by others with relevant knowledge, such as representatives of government agencies, testing laboratories, consumer associations, environmentalists, and academic institutions.

The national delegations of experts are appointed by the ISO national member for the country concerned. In the case of the U.S., for example, ANSI (through its accredited TAGs – discussed below) appoints the U.S. national delegation and in the case of Iran, for example, ISIRI chooses the Iranian national delegation. These delegations to ISO technical committee and

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[8] For illustration purposes, only the ISO process is discussed in this section. The IEC process is largely the same.

[9] ANSI (or an ANSI designee), for example, currently serves as the ISO Secretariat for 34 Technical Committees and 81 Subcommittees.

subcommittee meetings are required to represent national consensus positions. According to ISO rules, the national member body is expected to take account of the views of the range of parties interested in the standard under development and to present a consolidated, national consensus position to ISO. All actions taken at the technical committee or subcommittee level are actions taken by consensus among national delegations from the ISO members that choose to participate actively. Thus, no individual member exerts control or benefits in greater proportion to any other member.

3. Working Groups

A subset of Technical Committees or Subcommittees is the Working Group. Working Groups are the places where most of the technical work of standards development gets done. Within ISO working groups, experts appointed by the ISO member (again, in ANSI's case – through its accredited TAGs) from their country may initially share their expertise verbally or in writing in order to begin the work of drafting an ISO standard. This sharing of expertise is not effectuated through a direct transfer of knowledge between experts from one specific member body to another specific member body. Rather, the ISO process is an international collective and the information is thus shared with the ISO working group.

Experts serving on Working Groups are expected to have relevant knowledge and individual expertise, but they are also informed of their national body consensus positions. Information is shared within ISO Working Groups with the specific intention that it be used for the development of ISO standards, and it may be general technical knowledge or it may be information which is not public prior to being exchanged in the groups. Participating experts are expected to have any needed permission from their companies or organizations to share not-previously-published information in the ISO standard development process. Information that is made available to participants in ISO working groups is not subject to any restrictions placed on its further dissemination.

Information that is made available in working groups flows back to the national "mirror committees" or, in ANSI's case, its accredited TAGs. ISO's rules encourage participating experts to share information and drafts with the national mirror committees to assist in the consensus-building process. For their part, ISIRI, NC, CSK and SSMO likewise establish mirror committees for these same purposes. Individuals not party to the relevant Working Group may obtain relevant information, documents and drafts upon request to an ISO member, or ISO Central Secretariat in Geneva. The information provided may or may not be included in the final standard.

National persons or government officials from all members, including Iran, Cuba, North Korea and Sudan, have the right to be named by their ISO member to be an expert to an ISO Working Group and have direct access to the information and documents shared within the Working Group. After the ISO Working Group has completed its drafting of the standard, the document will be referred to the Technical Committee or Subcommittee for processing through formal voting stages to confirm consensus and approval.

4. Public Review

After the working group reaches an agreement on a draft standard, the draft standard is reviewed by the Technical Committee. During formal voting stages of ISO draft standards, the drafts are made widely and publicly available (Draft International Standard ("DIS") stage). At this stage, ISO members are expected to make the drafts available to anyone in their own country for review and comment, in order to comply with a World Trade Organization ("WTO") Technical Barriers to Trade ("TBT") Code of Good Standards Practice requirement for a 60-day public review period. The draft standard is made available to all ISO members for a three-month voting period. If 67 percent of those committee members returning votes are in favor, and not more than 25 percent of all members' returning votes are negative, the requisite consensus for approval of the draft standard exists. All Full ISO members are welcome to vote at these stages regardless of whether they actively participated in the committee that developed the standard.

5. National Adoptions

Once an International Standard is published, ISO and IEC encourage their members to "adopt" such Standards in their national systems either by republishing the standard, with their own national foreword, their own national designation and their own copyright, or by endorsing the ISO Standard itself. See Guide 21-1, Regional or National Adoption of International Standards and Deliverables – Part 1: Adoption of International Standards ("Guide 21"), attached as **Exhibit 9**. These standards, called "national adoptions," are designed to minimize conflict between international and regional standards and thereby achieve the full benefits of global standardization.

National Adoptions at the regional or national level are implemented by manufacturers, trade organizations, purchasers, consumers, testing laboratories, authorities and other interested parties. Since these standards generally reflect the best experience of industry, researchers, consumers and regulators worldwide, and cover common needs in a variety of countries, they constitute one of the important bases for the removal of technical barriers to trade, as acknowledged in the WTO TBT Agreement. See Guide 21 at v.

Identical adoption of international standards in a particular region of the world may not always be possible, however, for reasons such as regional or national security, protection of human health or safety, protection of the environment or because of fundamental climatic, geographical or technological differences or concerns. In nationally adopting ISO Standards, therefore, members are permitted to make modest technical or structural changes to reflect regional differences. Under Guide 21, however, national bodies must make "every effort" to "reduce the deviations to a rational minimum" and to "identify the deviations clearly and...state the reasons for the deviations." Id.

D. ANSI-Accredited U.S. TAGs

As noted, as the U.S. member body of ISO, ANSI is responsible for creating "mirror committees" in the U.S. for participation in those technical areas of work where U.S. interests have indicated support. To assure that positions presented to ISO are representative of U.S.

interests, ANSI has implemented ANSI Procedures for U.S. Participation in the International Standards Activities of ISO. These procedures provide a mechanism for the development and coordination of such positions.

ANSI normally looks to the body that develops national standards in a particular standards area to determine the U.S. position in a similar international standardization activity. Such national consensus bodies are designated by ANSI as U.S. TAGs for specific ISO activities. Where no national standards group exists, or is available to serve, or where several separate national standards groups exist, special bodies may be established for this purpose to serve as U.S. TAGs. The makeup of the U.S. TAGs may include participants from companies, technical and trade organizations, government agencies, and individuals.[10]

ANSI-accredited U.S. TAGs are populated by "U.S. National Interested Parties," a term defined to mean stakeholders who are directly and materially affected by the relevant ISO standards activity and satisfy one of the following additional attributes: 1) an individual representing a corporation or an organization domiciled in the U.S. (including U.S. branch offices of foreign companies authorized to do business in one or more states as defined by the relevant state's corporation law within the U.S.); 2) an individual representing a U.S. federal, state, or local government entity; or 3) a U.S. citizen or permanent resident. It is through the U.S. TAGs that government, industry, and other stakeholders work together to formulate U.S. positions and advance U.S. technology at ISO and IEC.

The primary purposes of each U.S. TAG are to:

- Develop and submit New Work Item Proposals ("NPs") for development as international standards by ISO and IEC within the related ISO or IEC committee. If the proposed standard is to be based on an existing U.S. standard, copyright permission must be granted to ISO or IEC from the holder of the copyright of the U.S. standard.

- Develop national consensus U.S. positions and comments on the standards under development in the relevant ISO or IEC committee, or on NPs which may be submitted by other countries.

- Decide on the delegates and experts to represent the U.S. at the international meetings of the relevant ISO or IEC committee.

- Determine whether an ISO or IEC standard should be revised, reconfirmed, or withdrawn when it undergoes its periodic review to ensure its ongoing relevance.

[10] In addition to ANSI-Accredited U.S. TAG activities, as appropriate and consistent with ANSI's mission to promote U.S.-based technology globally, ANSI may approve the establishment of Partnership Standards Developing Organization (PSDO) agreements with ISO.

All materially affected and interested parties who satisfy the definition of U.S. National Interested Party have the right to participate on a U.S. TAG and there can be no undue financial barrier or membership requirement in another organization for such parties to participate. Most, if not all, U.S. TAGs are administered by organizations that are members of ANSI.

There are currently 228 ANSI-accredited U.S. TAGs to ISO and 154 ANSI (USNC)-Approved IEC TAGs which are, collectively, administered by approximately 50 TAG Administrators.[11] These numbers change over time depending on whether the work of the corresponding international committee has been completed or new work activities have been started.

ANSI offers training to all of its TAG Administrators through webinars, online courses, and "live" seminars to ensure that those representing the U.S. in the activities of ISO and IEC are knowledgeable concerning ANSI's and ISO's procedural requirements for participation and representation. As part of this training, ANSI intends to include a U.S. sanctions compliance component which will aid U.S. TAG Administrators in understanding the requirements of the various U.S. sanctions programs, including the prohibition on engaging in transactions with individuals or entities appearing on OFAC's Specially Designated Nationals List.

III. AUTHORIZING STANDARDS SETTING ACTIVITIES SUBJECT TO THIS REQUEST IS CONSISTENT WITH OFAC'S REGULATIONS AND PRIOR GUIDANCE

ANSI believes that full U.S. collaboration in international standards development promotes important U.S. international policy objectives and that U.S. participation in standards development activities is consistent with the provisions of the ITSR, CACR, and SSR sanctions programs. Specifically, the informational materials exemption and the general license for publishing activities allow for ANSI and its members, including the U.S. government, as well as technical experts, to fully participate in ISO standards-development activities in ISO and IEC. Moreover, U.S. participation in international standards development is consistent with U.S. policy on publishing, international organizations, and the exchange of informational materials. Consequently, issuing a specific license to engage in standards-setting activities with Iran, Cuba, Sudan, and North Korea would be consistent with OFAC's regulations and with its August 14, 2012 guidance to ANSI.

A. The Informational Materials Exemption Authorizes ANSI Participation in the Standards-Setting Process

The ITSR, CACR, and SSR exempt "information and informational materials" from the prohibitions on exportation and reexportation of technology and services and importation of services. All three programs also were later amended to exclude activities related to publishing.

[11] Attached as **Exhibits 10** and **11** are current lists of ANSI-Accredited TAGs and TAG Administrators.

With respect to "information and informational materials," the ITSR provide the following:

> The importation from any country and the exportation to any country of information and informational materials . . . whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations of [the ITSR].[12]

The regulations define the term "information and informational materials" to include "[p]ublications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds."[13] To qualify as "information and informational materials," the materials (1) must be fully created and in existence at the date of the transactions, (2) cannot be substantively or artistically altered or enhanced, and (3) cannot constitute the provision of marketing or business consulting services.[14]

Although the ITR require that "informational materials" be fully created and in existence at the time of the transactions, new international standards may be derived from existing national standards of the participating countries, or are based on technical information already in existence and supplied by the entities participating in the technical committees or working groups. As explained previously, ANSI promotes the use of already existing U.S. standards for adoption internationally. ANSI also accredits U.S. Technical Advisory Groups whose primary purpose is to develop and transmit, via ANSI, U.S. positions on international standards-setting activities. In many instances, existing U.S. standards are presented to the ISO through ANSI, where they are adopted in whole or in part as international standards.

Technical information shared at the working group level is similarly fully created and in existence at the time it is shared within the group. This information is made available to all participants in the ISO working groups without restrictions placed on its further dissemination. Even individuals who are not part of the individual working groups are able to obtain relevant information, documents and drafts upon request. Although this technical information may form the basis for the international standard, it may or may not be included in the final standard. Thus, the new international standards may be derived from existing national standards, as well as existing technical information already developed by the participating members of the ISO technical committees or working groups. Because of this, ISO standards-setting activities intended to promulgate these standards as international standards fall within the informational materials exemption.

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[12] 31 C.F.R. §560.210(c). *See also* 31 C.F.R. §515.206(a) and 31 C.F.R. §538.212 (c).

[13] 31 C.F.R. §560.315. *See also* 31 C.F.R. §515.332 and 31 C.F.R. §538.306.

[14] 31 C.F.R. § 560.210(c). *See also* 31 C.F.R. §515.206(a) and 31 C.F.R. §538.212 (c).

B. The General License for Publishing Activities Authorizes ANSI Participation in the Standards-Setting Process

The ITSR, CACR, and SSR, explicitly authorize all persons subject to U.S. jurisdiction to engage in activities related to publishing:

> To the extent that such activities are not exempt from this part, and subject to the restrictions set forth . . . [below], U.S. persons are authorized to engage in all transactions necessary and ordinarily incident to the publishing and marketing of manuscripts, books, journals, and newspapers in paper or electronic format (collectively, "written publications"). This section does not apply if the parties to the transactions described in this paragraph include the Government of Iran. . . . For the purposes of this section, the term "Government of Iran" does not include any academic and research institutions and their personnel. . . . [15]

Specifically allowed under this provision is: "[c]ollaborating on the creation and enhancement of written publications"; "[a]ugmenting written publications through the addition of items such as photographs, artwork, translation, explanatory text"; and [s]ubstantive editing of written publications."[16] This general license therefore applies to all activity undertaken by ISO as a publisher of international standards.

Although this general license does not apply where one of the parties to the transaction is a government entity, the licenses all specifically exclude academic and research institutions from the definition of a government entity. As mentioned previously, the national body for standards development in Iran, ISIRI, was created under the Iranian Department of Trade, but ISIRI does not consider itself to be a government organization. Moreover, a review of ISIRI's charter and activities suggests that it qualifies as a research institution. Specifically, ISIRI is tasked with conducting research aimed at standardization, determining and formulating national standards, and testing samples for compliance with applicable standards.[17]

Similarly, in the case of Cuba, the NC is attached to the Ministry of Science, Technology and Environment, but is comprised of two research institutes, in addition to its headquarters and territorial offices. The NC conducts applied industrial research and provides certification, testing, and calibration services. In Sudan, the SSMO includes 15 laboratories that enable it to provide certification, testing, and calibration services, which comprise more than 75 percent of its funding revenue. Less than 20 percent of its funding revenue comes from the government of

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[15] 31 C.F.R. §560.538. *See also* 31 C.F.R. §515.577 and 31 C.F.R. §538.529.

[16] 31 C.F.R. §560.538(a). *See also* 31 C.F.R. §515.577(a) and 31 C.F.R. §538.529(a).

[17] *See* http://std.isiri.org/EN/Duties&Responsiblities.htm.

Sudan. The CSK in North Korea similarly conducts applied industrial research in addition to its standards development activities.

As a result, even with participation from the standards-setting bodies in Iran, Cuba, Sudan, and North Korea in ISO standards-setting activities, the general license for publishing activities appears to authorize ANSI, its members, and technical experts' participation in ISO standards-setting activities.

C. U.S. Participation in International Standards Development is a Compelling Policy Objective

The expansion of global trade is increasingly important to the growth of the U.S. economy, to productivity and innovation, and to the continued revitalization of the American workforce. Without perspective on the international standardization landscape, our nation's products, services, and personnel cannot hope to be competitive in the global marketplace. As the Obama Administration recently confirmed, the "vibrancy and effectiveness of the U.S. standards system" is a key to global competitiveness and growth as well as a means to maximize agency resources effectively.[18]

This is especially true in emerging technology areas, such as nanotechnology, smart grid, information and communication technologies, cyber security, and electric vehicles. Developing and developed economies alike are playing an increasingly significant role in standardization activities. It is vital for the U.S. to maintain its key role in developing globally relevant, responsive standards. Therefore, we must be at the table where international standards are being set.

As the U.S. representative to ISO and IEC, ANSI is uniquely able to monitor the activities and priorities of its competitors and trade partners. From proposed new areas of technical activity to policy decision at the highest level of ISO and IEC, the responsibility to coordinate and disseminate this important strategic information rests with ANSI through close coordination with the SDOs, government, consumers, and industry that constitute its membership. In this capacity, ANSI not only secures a seat at the table for U.S. exports, but also is in the unique position to provide information about what our competitors and trade partners around the world are doing. In addition, ANSI can provide a strategic link to those U.S.-domiciled SDOs developing international standards that support global competitiveness. Unilateral decisions regarding U.S. participation in international standardization would have dramatic consequences, especially when it comes to the continued success of our products, services, and workforce on the global stage.

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[18] "Principles for Federal Engagement in Standards Activities to Address National Priorities" (M-12-08); January 17, 2012, memorandum issued by the Office of Management and Budget, U.S. Trade Representative, and Office of Science and Technology Policy.

IV. CONCLUSION

Currently, the U.S. is one of the most active participants at the international standardization table – a level of engagement and interaction that gives our nation a competitive advantage in the global marketplace. Any decisions or actions that would hinder U.S. participation in these activities would compromise this nation's ability to compete worldwide and compromise the ability of the U.S. government to protect health, safety, and the environment.

Overall, the participation by ANSI, its members, technical experts, and all other participants in the international standards-setting process is consistent with the provisions of the ITSR, the CACR, the SSR, and other U.S. embargo programs. This participation is also supported by U.S. policy regarding the promulgation and adoption of international standards, which cannot be undertaken without the full and active participation of all members, including embargoed countries. For these reasons, ANSI respectfully requests that OFAC issue a specific license for ANSI and its TAGs to engage in standards-development activities as described in more detail in this application letter and accompanying exhibits, including collaboration in technical committees, subcommittees, and working groups, exchanges with national delegation experts and standards-setting representatives from Iran, Cuba, Sudan, and North Korea, and full participation in the public review and national adoption process.

Thank you for your consideration of this request. If you have additional questions or need additional information, please do not hesitate to contact the undersigned.

Sincerely yours,

Mark Wasden
Counsel to ANSI