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DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FOIA No.: 2012-05-066
OASIS No.: GN-679894

DEC 31 2013

This letter is our final response to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request, dated April 23, 2012 to the Office of Foreign Assets Control (OFAC). You requested all correspondence between OFAC and the Institute of Electrical and Electronics Engineers, Inc. (IEEE) in OFAC files. OFAC received your request May 10, 2012.

Please be aware that OFAC is experiencing a substantial backlog of FOIA requests that has adversely affected its response time.

Please be advised that OFAC has conducted a search of its records and found 154 pages responsive to your request. Portions of some of these pages, are exempt from disclosure pursuant to exemption (b)(6) and (b)(7)(c) of the FOIA.

You may appeal our final decision, in writing, within 35 days after the date of this letter to the Freedom of Information Act Appeal, Disclosure Services (DO), Department of the Treasury, Washington, DC 20220. The deciding official for OFAC appeals is the Director, Office of Foreign Assets Control. Please include with your letter of appeal a copy of this response letter. Please reference FOIA case number 2012-05-066 in all future correspondence. Copies of the FOIA and Treasury regulations are available at www.treasury.gov/foia.

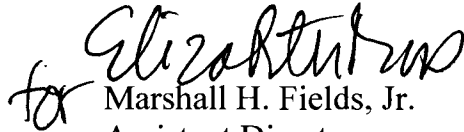
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Enclosed are information sheets pertaining to the FOIA exemptions and your right to administrative appeal.

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If you require further information, please email OFACFOIAOffice@treasury.gov or contact our Requester Service Center at 202-622-2500, option 3. Please reference FOIA No. 2012-05-066 in any future communications.

Sincerely,

for

Marshall H. Fields, Jr.

Assistant Director

Information Disclosure and Records

Office of Resource Management

Office of Foreign Assets Control

Enclosures:

1. Exemptions under the Freedom of Information Act (FOIA)
2. Administrative Appeal Rights
3. Responsive Documents (154 pages)



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MAY 9 2005

Case No. IA-6489

(b) (6), (b) (7)(C) Esquire
Dorsey & Whitney LLP
U.S. Bank Centre
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010

Dear (b) (6), (b) (7)(C)

This responds to your letters of July 26, 2004, and January 20, 2005, on behalf of the Institute of Electrical and Electronics Engineers, Inc. ("IEEE"), an educational and scientific not-for-profit organization, requesting an interpretation of the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITR"), the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), and the Sudanese Sanctions Regulations, 31 C.F.R. Part 538 (the "SSR"), with regard to five categories of IEEE's membership activities as they relate to Iran, Cuba and Sudan¹ (the "Sanctioned Countries").

New General License Applicable to Standards Development and Joint Works

With respect to your request for guidance on matters relating to standards development and collaboration on joint works (categories 2 and 5 of your July 26 letter), please be advised that the activities that you describe in your letter appear to fall within the scope of those activities authorized under the General Licenses issued by OFAC on December 17, 2004 (Federal Register notice attached). Please contact us with any questions that you may have with respect to how the General Licenses might apply to IEEE's activities.

Prizes and Awards

The first category of IEEE member activities for which you seek guidance is prizes and awards given out at several levels within the IEEE structure to members and non-member individuals who meet established eligibility criteria. You explain that prizes and awards are intended to advance IEEE's mission and there is no payment for services provided or other contractual relationship expected by the recipient. IEEE bestows prizes and awards on recipients in the form of congratulatory letters, certificates, medals, replicas, sculptures, plaques and cash. Money for an individual award can be distributed in the form of travel expense reimbursement so that the award recipient is able to attend an awards ceremony. You also state that any cash award or prize bestowed upon a person residing in one of the Sanctioned Countries would occur outside of that Sanctioned Country.

¹ Pursuant to Executive Order 13357 of September 20, 2004, the Libyan Sanctions Regulations, 31 C.F.R. Part 550, have been lifted effective September 21, 2004. Accordingly, the transactions by U.S. persons described in your letter are no longer subject to the prohibitions of the LSR.

Congratulatory letters and certificates awarded by IEEE to persons residing in Iran, Cuba or Sudan constitute informational materials exempt from the prohibitions of the ITR, the CACR and the SSR under ITR § 560.210(c), CACR § 515.206(a) and SSR § 538.211(c), respectively. With regard to the other non-cash prizes and awards described in your letter that are bestowed upon a person residing in Iran or Sudan, we would regard such transactions to be authorized under ITR § 560.506 and SSR § 538.510, which authorize the exportation from the United States to Iran and Sudan, respectively, of goods sent as gifts to persons provided that the value of the gift is not more than \$100; the goods are of a type and in quantities normally given as gifts between individuals; and the goods are not controlled for chemical and biological weapons, missile technology, national security, or nuclear proliferation on the Commerce Control List. See the Export Administration Regulations, 15 C.F.R. parts 730 *et seq.* (the "EAR"), which are administered by the Bureau of Industry and Security of the U.S. Department of Commerce. The bestowing of non-cash prizes and awards other than informational materials upon Cuban nationals would be prohibited unless specifically licensed or otherwise authorized by the U.S. Department of Commerce under the EAR. CACR, § 515.533(a).

IEEE's bestowing of cash prizes and awards in a third country to persons residing in Iran would be prohibited by § 560.204 of the ITR unless specifically licensed. With regard to the bestowing of cash prizes and awards in the United States to persons residing in Iran, the ITR provides a general license authorizing the importation of, or other dealing in, Iranian-origin services, respectively, where such services are performed in the United States by an Iranian citizen or national for the purpose of, or which directly relate to, participating in a public conference, performance, exhibition or similar event, and such services are consistent with that purpose. In addition, transactions ordinarily incident to travel are also exempt from the prohibitions of the ITR. ITR, § 560.210(d). Accordingly, IEEE may use a portion or the entire cash prize or award to pay for transactions normally incident to the travel of an Iranian citizen or national in connection with that person's participation in an IEEE awards ceremony in the U.S., provided a visa to engage in such activity has been granted by the U.S. Department of State. ITR, § 560.505. Payment of any cash prize or award in excess of the amounts necessary to engage in travel-related transactions would be prohibited by ITR § 560.204 unless specifically licensed.

Because SSR § 538.413 provides that the transfer of funds from the United States to Sudan does not constitute a prohibited exportation of services, IEEE would not be prohibited from transferring a cash award from a U.S. account to a person residing in Sudan.

Persons subject to U.S. jurisdiction are prohibited from giving a cash prize or award to a Cuban national. However, CACR § 515.571 provides a general license authorizing persons subject to U.S. jurisdiction to engage in certain transactions incident to travel to, from and within the United States by Cuban nationals who enter the United States from Cuba on a visa issued by the U.S. Department of State. These transactions include paying for the Cuban national's travel between the U.S. and Cuba and for the Cuban national's living and maintenance expenses within the United States. Since CACR § 515.571(a)(5)(i) provides that receipt by Cuban nationals of compensation in excess of

amounts covering living expenses and the acquisition of goods for personal consumption is prohibited, any cash prize or award given by a person subject to U.S. jurisdiction to a Cuban national beyond payment of the Cuban national's travel-related expenses as described above would be prohibited.

Local IEEE Unit in Iran

A second category of IEEE membership activities for which you seek guidance is an existing IEEE local unit in Iran. You explain that IEEE has many subordinate groups of members, organized both by geographic locale and by fields of technical interest, further organized by Sections, Society Chapters, etc., in various countries. IEEE chartered a Section in Iran on February 13, 1970, prior to the imposition of U.S. economic sanctions on Iran, and you request confirmation that IEEE may treat this Section as a valid and legitimate IEEE Section, provided IEEE does not provide any services to that Section that are prohibited by ITR § 560.204.

We would regard IEEE's proposed activities described in your letter involving its Section in Iran that are undertaken in like manner with IEEE's other Sections, including sending Section-related notices, bulletins, memoranda, letters, etc. to the Iranian Section leadership; publishing in its IEEE Section directory information such as the names, addresses and phone numbers of the Iranian Section leadership; sending printed or electronic materials regarding conference, meetings and symposia, including invitations for the Section leadership to attend meetings outside the Sanctioned Countries; and allowing the Iranian Section leadership, under its own initiative, to organize local educational events within Iran such as meetings, conferences and educational symposia without any external direction, support or services from IEEE to be transactions exempt from the prohibitions of the ITR, provided no goods, technical data or other services are directly or indirectly provided by IEEE or other U.S. persons to Iran.

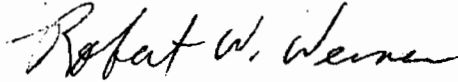
IEEE's compiling and distributing membership directories and lists of dues-paying members in Iran to its Iranian Section leadership at their behest would constitute the provision of services to produce informational materials that is not exempt under ITR § 560.210(c) and thus would be prohibited unless specifically licensed. Provided that no U.S. persons directed, authorized or otherwise participated in the activity, the compiling and distributing of membership directories of Iranian members by the leadership of the Iranian Section would not entail a prohibition of the ITR.

We are unable to provide definitive guidance on your proposal to permit the Iranian Section leadership to recruit dues-paying members in Iran for IEEE, as you do not describe the types of activities that would be undertaken in connection with such transactions, nor do you explain the extent to which IEEE would directly or indirectly facilitate such transactions. Without further information, it would appear that the recruitment of new members in Iran for IEEE would entail the importation of a service that would be prohibited without a license. Upon receipt of a more detailed description of the proposal, including the method of recruitment, the parties that would be involved and the role that those parties would play, and a statement as to whether members in Iran

would be eligible to receive any goods or services from IEEE other than exempt information and informational materials, we would be pleased to provide you with further guidance.

We are still addressing the issues raised with respect to your request for guidance on conferences and meetings and we will provide our response to those issues at a later date. Finally, for future questions with regard to membership issues involving sanctioned countries, we suggest you refer to our web site at www.treas.gov/ofac, to determine whether there have been any changes to applicable regulations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert W. Werner", written in a cursive style.

Robert W. Werner
Director
Office of Foreign Assets Control

(b) (6), (b) (7)(C)

July 26, 2004

Mr. R. Richard Newcomb
Director
Office of Foreign Assets Control
U.S. Treasury Department,
Treasury Annex
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Re: **IEEE Membership Issues**

Dear Mr. Newcomb:

The Institute of Electrical and Electronics Engineers, Incorporated ("IEEE"), a non-profit organization, seeks the concurrence of the Office of Foreign Assets Control ("OFAC") in IEEE's interpretation of the Iranian Transaction Regulations (31 C.F.R. Part 560) ("ITR"), OFAC's other national embargo rules and OFAC's published guidance in 031103-FACRL-IA-15 ("IA-15 ruling") in regard to five categories of IEEE's membership activities:

- prizes and awards;
- international standards development;
- conferences and meetings;
- an existing Section in Iran; and
- joint works.

In each of these categories, IEEE interprets the ITR and the IA-15 ruling to permit IEEE to deal with its members and member activities in the Sanctioned Countries (such as Iran) largely as it would deal with its members in any other country. A more detailed explanation of the IEEE position on each of these categories is set forth below, with supplementation in the attached exhibits.

Background of IEEE

Although OFAC has been dealing with IEEE and IEEE's issues for some time, it may still be beneficial for OFAC to have some basic background information on IEEE's mission and structure. IEEE is an educational and scientific not-for-profit organization with its corporate offices in New York, New York and its operations center in Piscataway, New Jersey. Through its predecessor organizations, IEEE dates back to 1884 and thus has been providing a network of scholarly and professional exchange and education among electrical and electronics engineers for over 120 years.

IEEE is recognized by the Internal Revenue Service as a tax-exempt educational and scientific organization under Internal Revenue Code § 501(c)(3). It has 38 Societies, four Technical Councils, 1,200 individual and Society Chapters, ten Regions and 304 Sections with members in the United States and other countries. Today, IEEE has approximately 370,000 members around the world, including several hundred in Iran and other Sanctioned Countries. More detailed information on IEEE may be found at its website, which is located at www.ieee.org. We have also attached to this letter as Exhibits A and B, respectively, a brochure on the IEEE organization and materials on its organizational structure. Exhibit B, in particular, helps to define IEEE-specific terms such as "Section," "Society," and "Council."

1. IEEE AWARDS PROGRAM

On occasion, IEEE bestows certain awards or prizes upon members and non-member individuals who meet established eligibility criteria. In general, IEEE's awards and prizes are given to any qualified individuals, regardless of their nationality and based strictly on those criteria for outstanding technical achievement or contribution to the scientific and engineering community and based generally on a nominations process. The awards and prizes are given as individual or team recognitions for past accomplishments within the electronics or electrical engineering fields and are entirely of a non-commercial, non-transactional nature. All such prizes and awards are intended to advance IEEE's mission as a public benefit organization to serve all humanity. There is no "payment for a service" or any other similar contractual relationship expected with the recipient when such an award or prize is given. Any such award or prize is an entirely unilateral action by IEEE to give public recognition to a deserving engineer, scientist or other person who has been deemed to meet the selection criteria for the respective prize or award. Moreover, membership in IEEE is not always a prerequisite.

These awards and prizes are given out at several levels within the IEEE organizational structure. The highest awards and prizes are granted at the IEEE level and upon a vote

of the IEEE's world-wide Board of Directors upon nominations from special committees who review candidates. There are also prizes and awards given out by organizational units within IEEE, including the IEEE Educational Activities Board ("EAB"), the IEEE Regional Activities Board ("RAB") and the IEEE Technical Activities Board ("TAB"). Finally, there is an organizational unit of IEEE for U.S. members called IEEE-USA that also grants prizes and awards. To illustrate the nature of these prizes and awards, IEEE offers these brief historical summaries of its prizes and awards for the five years between 1998 and 2003:

IEEE: IEEE itself awarded 15 medals, 24 technical field awards, two prize papers, two service awards, two awards for recognition of outstanding corporate support, two fellowships and one honorary membership. Where cash prizes were involved, the medals ranged from about \$15,000 to \$50,000 each; the technical field awards ranged from \$3,000 to \$10,000 each; the prizes for papers were about \$5,000 each; the service awards were about \$5,000 each; the corporate recognition awards were about \$15,000 each; the fellowships were about \$10,000 each; and the honorary membership had a value of about \$500.

EAB: EAB, which focuses on IEEE's educational mission and its educational programs for younger engineers, awarded nine prizes. Those averaged about \$2,000 per prize.

RAB: RAB, which focuses on IEEE's mission and activities on a worldwide basis, awarded a total of 89 prizes. These prizes averaged less than \$1,000 per prize. (In practice, it is likely that the bulk of potential interactions between IEEE's prizes and awards that could potentially be given to persons in the Sanctioned Countries would come within the purview of the RAB, but, in theory, any of these bodies might select a recipient for a prize or award in a Sanctioned Country.) In addition, the various geographic units gave out awards locally. Typically, no cash prizes accompany the awards.

TAB: TAB, which focuses on IEEE's mission to foster the development and implementation of traditional and significant new technologies, awarded 342 prizes and awards which averaged about \$1,200 per prize or award. In addition, its various societies, councils and outside sponsors also gave out another 333 prizes and awards which also averaged about \$1,200 per prize or award.

IEEE-USA: IEEE-USA, which focuses on IEEE's mission within the United States, gave out 10 awards, averaging about \$2,000 per award.

On occasion, some of the money for an individual award is actually distributed in the form of travel expense reimbursement so that the recipient of the award is able to attend an awards ceremony. In this same five year period (1998-2003), there were also a total of 168 plaques and 186 certificates given out.

These IEEE awards can be divided according to their fields, levels and associated prizes. The following table briefly summarizes the various IEEE awards and prizes, and the 2004 IEEE Honors Ceremony Program is shown in Exhibit B1 to this letter.

Table 1. IEEE Awards and Prizes

<i>Type of Award</i>	<i>Purpose</i>	<i>Prizes</i>
IEEE Medal of Honor, Medals and Recognitions program	Given for exceptional achievements and outstanding contributions making a lasting impact on technology, society and the engineering profession	Congratulatory letter from IEEE President and presentation with an award (such as gold medal, bronze replica, crystal sculpture or certificate) during an awards ceremony held annually in June. Some awards are accompanied by payments of cash of up to \$50,000 (one award).
IEEE Technical Field Awards and Prize Papers	Given for exceptional achievements and outstanding contributions making a lasting impact on technology, society and the engineering profession.	Congratulatory letter from IEEE President and presentation of award (such as a bronze medal or certificate) during a specified conference. Some awards area accompanied by payments of cash of up to \$10,000.
IEEE unit Prizes and Awards	Given for notable achievements or contributions as per individual IEEE unit criteria (e.g., an IEEE Section, Technical Council or Society)	Presentation of awards (such wood plaque or certificate) at meeting of the recognizing IEEE unit. Some awards are accompanied by payments of cash up to \$10,000. Most are not accompanied by cash payments.

In this request, IEEE desires to treat its potential awardees in the Sanctioned Countries in the same non-discriminatory manner as it treats members or non-members from any

Mr. R. Richard Newcomb
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other country and to permit the grant of its honors, awards and prizes to awardees in the Sanctioned Countries in accordance with their respective professional accomplishments and contributions under IEEE's established general criteria or the criteria of any individual IEEE organizational unit such as a Section, Technical Society or Council.

IEEE cannot find any express guidance on point in IA-15 or in the text of the ITR on how to apply the ITR to these kinds of cash and non-cash prizes and awards. If one goes down through the various prohibitions of the ITR, none seems to fit:

- These are not imports of goods or services from Iran (§ 560.201);
- These are not exports or reexports, sale or supply of goods, technology or services to Iran (§ 560.204);
- These are not re-exports of goods, technology or services to Iran by non-U.S. persons (§ 560.205);
- These are not trade-related transactions involving goods, technology or services with Iran (§ 560.206);
- These are not "investments" in Iran (because, as explained below, even in the case of cash prizes, the funds are not sent into Iran) (§ 560.207); and
- These are not transactions with respect to the development of Iranian petroleum resources (§ 560.209).

Of the published exemptions in § 560.210, IEEE believes that its non-cash prizes and awards (e.g., certificates, plaques, pins, medal, trophies, etc.) should qualify as exempt "personal communications" to the recipients insofar as any persons in Iran or another Sanctioned Country might be selected to receive such a prize or award. These non-cash prizes and awards are truly only "communications" of a recognition to the individual and, in and of themselves, have no commercial value or *de minimis* commercial value (e.g., if one were to melt down a medal or trophy for its base metal).

IEEE also recognizes that it cannot hold or sponsor any conference or meeting in Iran or another Sanctioned Country under OFAC's August 18, 2000 "Guidance on Sponsorship of Certain Conferences." Thus, OFAC may safely assume that any cash award or prize given to an Iranian national or other person from a Sanctioned Country would occur outside a Sanctioned Country. For that reason, no prize funds are sent into Iran and there is thus no "investment in Iran" in the sense of § 560.207.

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July 26, 2004
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Accordingly, for this first category, IEEE respectfully requests OFAC's concurrence that the grant of both its non-cash and cash prizes and awards to persons in the Sanctioned Countries is exempt or otherwise outside the scope of the OFAC embargoes, provided, the transfer of any such cash prize or award occurs outside a Sanctioned Country.

2. IEEE INTERNATIONAL STANDARDS DEVELOPMENT

One of IEEE's main subordinate bodies is its worldwide IEEE Standards Association ("IEEE-SA"). IEEE-SA is a leading developer of global industry standards¹ in a broad-range of industries, including power and energy, biomedical and healthcare, information technology, telecommunications, transportation, nanotechnology and information assurance. IEEE-SA offers an established standards development program that features balance, openness, due process, consensus and the right of appeal. Each year, IEEE-SA conducts over 200 standards ballots, a process by which proposed standards are voted upon for technical reliability and soundness.

Exhibit C to this letter contains a list of the IEEE-SA's current working groups and committees, whose very names will illustrate the range and content of the many standards that are routinely developed by IEEE-SA on an international basis. All of IEEE-SA's standards are published for world-wide use and, for a subscription fee or individual payment fee, may be obtained by anyone via the Internet at <http://standards.ieee.org/catalog/olis/subscription.html>. Exhibit D to this letter is the IEEE "Standards Companion," a layperson's guide to the highly intricate and detailed procedures by which international standards are proposed, drafted, considered and voted upon by IEEE-SA.

To illustrate the potential impact and importance of such standards upon U.S. commerce and U.S. technology, OFAC may wish to examine how IEEE's family of "802.11" standards helped to establish the basis for much of wireless communications. "802.11" refers to a family of specifications² developed by the IEEE for wireless LAN

¹ A "standard" in the IEEE-SA sense is a published document that sets out specifications and procedures designed to ensure that a material, product, method, or service meets its purpose and consistently performs to its intended use. Standards solve issues ranging from product compatibility to addressing consumer safety and health concerns. Standards also simplify product development and reduce non-value-adding costs, thereby increasing a user's ability to compare competing products. They also are fundamental building blocks for international trade. Only through the use of standards can the requirements of interconnectivity and interoperability be assured and the credibility of new products and new markets verified, enabling the rapid implementation of technology.

² Today, there are actually several specifications in the 802.11 family:

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technology. 802.11 specifies an over-the-air interface between a wireless client and a base station or between two wireless clients. The IEEE first accepted the 802.11 specification in 1997. These "802.11" standards have now become the bedrock of virtually all wireless networks used in industry, business and homes across the world today.

Voluntary standards of the type developed by IEEE-SA do not automatically have any force of law, even if adopted by IEEE-SA itself. Each nation (or, in some cases, groups of nations) must implement such standards into local law and practice. For example, in the United States, the National Institute of Standards and Technology within the U.S. Commerce Department ("NIST") has been the leading organization to promote standards and to coordinate American standards with other world and international standards. NIST staff regularly take part in IEEE international standards development efforts. IEEE-SA needs to assure that the participants in its standards development efforts come from *every* interested and affected nation so that IEEE-SA's published standards will be more likely adopted on a truly global basis and then be able to function as global standards.³ (It is also sometimes the case that participants in these efforts will propose what are essentially "national" standards to become "international" standards.)

As a voluntary membership organization, IEEE-SA is able to perform its mission only because of the technical and international diversity of its more than 20,000 participants, consisting of technology leaders from around the globe from corporations, organizations, universities and government agencies. Through their collective knowledge, members contribute to the integrity and value of IEEE-SA standards.

As explained in more detail in Exhibit D, IEEE-SA has a uniform, transparent, meticulous, step-by-step process for the development of such standards. The essence

-
- **802.11** – applies to wireless LANs and provides 1 or 2 Mbps transmission in the 2.4 GHz band using either frequency hopping spread spectrum (FHSS) or direct sequence spread spectrum (DSSS).
 - **802.11a** – an extension to 802.11 that applies to wireless LANs and provides up to 54 Mbps in the 5GHz band. 802.11a uses an orthogonal frequency division multiplexing encoding scheme rather than FHSS or DSSS.
 - **802.11b** (also referred to as 802.11 High Rate or Wi-Fi) – an extension to 802.11 that applies to wireless LANs and provides 11 Mbps transmission (with a fallback to 5.5, 2 and 1 Mbps) in the 2.4 GHz band. 802.11b uses only DSSS. 802.11b was a 1999 ratification to the original 802.11 standard, allowing wireless functionality comparable to Ethernet.
 - **802.11g** – applies to wireless LANs and provides 20+ Mbps in the 2.4 GHz band.

³ IEEE-SA has special agreements with leading international standards bodies such as the International Electrotechnical Commission ("IEC") and the International Telecommunications Union ("ITU") whereby those bodies may adopt directly IEEE-SA standards without the need for individual national adoption.

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of that process is the collaborative interactions among the IEEE-SA standards staff and volunteers who serve on the IEEE-SA working groups and committees to write, revise and publish draft standards for circulation and, ultimately, for official balloting and adoption. By its very nature, this IEEE-SA standards development process not only permits but actually *requires* substantial cooperation to prepare a new document -- the new standard -- which is "not fully created and in existence" at the time the drafting effort commences.⁴ The chair of a committee, for example, may assign two volunteers from countries M and N to work together closely to prepare the first section, two more volunteers from countries P and Q to collaborate on the second section and so on. A U.S. person and a person from a Sanctioned Country may therefore take part together in preparing their portion of a draft standard and may well have to exchange multiple drafts back and forth until they are jointly satisfied with their work for submission to their committee colleagues. In addition, IEEE-SA staff members, based in the United States, may supply editorial assistance to help meld together the drafts from volunteers in various countries.

The concern is that OFAC may interpret these natural and inherent interactions in standards development to be some kind of "service" forbidden by the OFAC embargoes, either as a "service" by the Sanctioned Country volunteer to a U.S. volunteer or vice versa. To be faithful to its mission as a global organization, IEEE must allow volunteers from any interested or affected nation to take part in such standards development, and an open process that involves persons from all nations is inherent in any practical notion of a "global" standard. OFAC's IA-15 ruling indicates that volunteers from the Sanctioned Countries may join a group such as IEEE-SA and take part in its open activities but may not receive any "service" from a U.S. person. As soon as a volunteer from a Sanctioned Country joins an IEEE-SA committee to work on a draft standard, should every U.S. national concerned with that standard immediately withdraw from the committee's work, lest he or she be accused of providing a "service" to the Sanctioned Country volunteer and thus subject to the penalties of the OFAC embargo rules?⁵

If such is the OFAC position on standards development, then soon the United States would be terribly disadvantaged as Americans would be virtually the only nationals not

⁴ As a consequence, such standards -- *when they are being developed* -- would not appear to meet the test of §560.210(c)(2).

⁵ This is all the more a concern when, for example, U.S. Commerce Department employees at NIST are among the U.S. volunteers serving on these IEEE-SA committees and working groups and who serve on such committees often to assert that a U.S. national standard ought to be adopted as a global standard or to ensure that global standards are not inconsistent with U.S. standards.)

allowed to take part in global standards development and such critical processes would then be dictated solely by persons from other countries.⁶ IEEE therefore respectfully requests that OFAC issue a guidance that U.S. persons may legally take part in multi-national standards development such as is sponsored by IEEE-SA. By its very nature, international standards development does not benefit primarily any Sanctioned Country but is intended to have a global effect and a Sanctioned Country receives only an indirect benefit. For example, in the case of the OFAC sanctions which have been imposed on Cuba, it is still the case that Congress desires Americans to be able to call persons in Cuba on the telephone, and that requires international standards exist between the United States and Cuba to interconnect their respective national telephone systems. Barring U.S. persons from taking part in multi-national standards development when other persons working on such standards happen to be from the Sanctioned Countries will only hurt the United States and will not well serve Congressional intent underlying the statutes behind the OFAC rules.

Finally, as a written work, a standard is a "work of authorship" and so its copyright is held by its owner under law. In IEEE-SA's case, IEEE-SA makes all of its standards "works for hire" under U.S. and other national copyright laws and copyright conventions, and IEEE-SA is the named and intended beneficiary and assignee of all such writing efforts without any compensation to the volunteers. To the extent that either individual U.S. persons, persons from a Sanctioned Country or any other volunteers to the IEEE-SA process may jointly work on such a standard, that work creates no individual benefit whatsoever to those volunteers, certainly not to the volunteers from a Sanctioned Country. The benefit flows entirely and exclusively to a U.S. non-profit entity and is ultimately for the benefit of all humanity to the extent such standards are globally adopted. There is thus little policy reason to invoke the ITR or any of the other OFAC embargo rules against such cooperative standards development.

3. CONFERENCES AND MEETINGS

IEEE sponsors more than 300 major conferences around the world each year, including technical conferences, workshops, professional/careers/technical policy meetings, and standards working group meetings. These conferences are hosted by a range of IEEE groups, including its Technical Societies, Sections and Chapters, Regions, IEEE-SA, EAB, and IEEE-USA. In addition, IEEE is involved in almost 200 "topical interest" meetings, either as consultants to the technical program or as other non-financial

⁶ IEEE can also envision many similar or related activities such as international public health, environmental or medical conferences that are attempting to devise multi-national programs on international HIV prevention campaigns, emissions reductions or cancer epidemiology being similarly affected.

partners. Finally, IEEE is also involved in some 5,000 other smaller meetings around the world each year.

IEEE's educational activities in its conferences and meetings are open to the entire world, do not serve any individual business or commercial interests (indeed, cannot do so by virtue of its official non-profit status under U.S. tax laws) and do not involve "national security" issues. Any sampling of IEEE's agendas of its Section, Council or Society meetings clearly shows the open, non-proprietary and scholarly nature of its work in the professional development of electrical and electronics engineers. These activities therefore cannot fairly be said to promote or enhance the interests of any particular country or countries, including any Sanctioned Country. Indeed, IEEE is pledged by its charter to be non-discriminatory on the basis of nationality and is intentionally a global organization, open to all duly qualified engineers or engineering students.

Virtually all of these IEEE conferences and meetings are planned and coordinated by varying mixtures of IEEE staff and IEEE members who volunteer their time and services as members of meeting or conference organizing committees. Although many of these events will only draw a local or regional attendance, all the major IEEE meetings and conferences are, by design, intended to attract engineers or engineering students from a number of countries, sometimes on a regional basis (e.g., in Europe or Southeast Asia). Consequently, the planning committees for such larger meetings or conferences will be comprised of volunteers from several countries. A planning or organizing committee will usually have to prepare the conference or meeting brochure, agenda and program plan, etc., to make for a successful, well attended event. Exhibit E contains a standard IEEE manual that is usually followed to plan and organize such public events within IEEE or under the auspices of one of its sub-units.

In such event planning and organizing activities, on occasion, a U.S. IEEE staff person or volunteer may sit on the same planning or organizing committee as a volunteer from a Sanctioned Country. Since OFAC's IA-15 ruling allows IEEE to have members from Sanctioned Countries and to allow them to take part in attending open conferences or meetings, IEEE assumes that IEEE may also allow its members from a Sanctioned Country also to take part as volunteers in planning and organizing such conferences or meetings (as long as IEEE continues to observe the OFAC August 2000 policy that such conferences may not be sponsored or co-sponsored by the Government of Iran and may not take place within Iran or in any other Sanctioned Country). Thus, for example, if there were to be a major Middle Eastern program or a program in Europe, a U.S. volunteer and an Iranian volunteer might both serve on the same event planning or

organizing committee and be asked to develop a program agenda, a list of potential speakers, a conference schedule, an advertising brochure for the meeting, etc.

It will be observed that, by their very nature, none of these event-related materials such as an agenda or brochure is "pre-existing" material.⁷ They are not "fully created and in existence at the date" of the exchanges among the various planning or organizing committee members and IEEE staff – instead, they are things that are actually written and developed through a typical committee process and the interactions between and among the *ad hoc* group assigned to plan and organize the event. Yet, if OFAC were to consider a U.S. person working together with a person in a Sanctioned Country on such a planning or organizing committee as a "service" to that person in a Sanctioned Country, IEEE would be thrust into a totally unworkable situation: either it would have to advise all Americans to resign from every event planning or organizing committee in the world as soon as a volunteer from a Sanctioned Country joined that body, or it would have to bar all volunteers from the Sanctioned Countries from serving on such committees, either of which would have severe negative repercussions on IEEE's image and standing as an impartial international body that does not discriminate on the basis of nationality. Such a move would also ill serve American foreign interests and only serve to isolate Americans from their peers across the entire field of electrical and electronics engineering. The IA-15 ruling's own logic suggests that Sanctioned Country persons may take part in the activities of a U.S. non-profit organization to which they belong, and that should include being able to volunteer for event planning and organizing for multi-national meetings, even if this results in occasional and incidental contacts between Sanctioned Country persons and U.S. persons working on the same event.

IEEE therefore respectfully requests that OFAC issue a new public guidance to supplement the IA-15 ruling and to declare that, under the OFAC embargo rules, a U.S. person may lawfully serve on a multi-national event planning or organizing committee, including preparation of normal and reasonable event-related materials such as an event plan or agenda, program brochure, speaker list, etc. and will not be deemed to be providing prohibited "services" to a person from a Sanctioned Country if such a Sanctioned Country person is also a member of the same committee and is also working on the same event planning or organization effort.⁸

⁷ As a consequence, such event materials – *when they are being developed* – would not appear to meet the test of §560.210(c)(2).

⁸ Other applications of such a rule for persons working on other major international events might include the Olympic Games, where the primary beneficiary of such cooperation is clearly the event itself, rather than persons in a Sanctioned Country who may also be taking part in such planning or organizing.

3. PRE-EXISTING LOCAL UNIT IN IRAN

Although based in the United States, IEEE is a truly global organization with many subordinate groups of members, both by geographic locale and by fields of technical interest. See Exhibits A and B. Some of these geographic groups are organized at the national level for the sake of social, linguistic and cultural convenience of their members. Thus, as might be expected, there are Sections, Society Chapters, etc., in France, Germany, Japan, Russia, and so on.

OFAC's IA-15 ruling says a U.S. non-profit group may have dues-paying members in Iran but specifically says "... the formation in Iran of the U.S. Entity's chapters, special interest groups and colleges or the provision of any support thereto would constitute the provision of services to Iran prohibited by ITR § 560.204." IEEE interprets the IA-15 ruling to mean IEEE could not today *form or start a new* Section or Chapter in Iran.

However, IEEE is in a novel and distinct situation. IEEE chartered its Section in Iran on February 13, 1970, nearly 10 years before the imposition of the first U.S. sanctions upon Iran. IEEE's official letter of recognition to its Iranian Section is attached as Exhibit F, and the IA-15 ruling states that IEEE may have individual members in Iran. Normally, within the IEEE system, members in a country can choose to organize themselves as a "Section," request that the Section be formed by the IEEE, and once formed, interact with the balance of IEEE on that basis, including election of Section officers, holding Section meetings, and so on. IEEE therefore desires to treat this Iranian Section formed in 1970 -- long before there were any OFAC sanctions -- as a valid and legitimate IEEE Section, so long as IEEE does not provide any prohibited "services" to that Section in accordance with the IA-15 ruling.

To the best of our research, there was no legal impediment to IEEE's chartering of this Section in Iran in 1970, and it had already been in existence more than nine years before Executive Order No. 12170, the first of the many Executive Orders against Iran, was issued by President Carter on November 14, 1979 following the seizure of the U.S. Embassy in Tehran. Indeed, it appears that the bar created by § 560.204, specifically cited in the IA-15 ruling (page 3), was a fairly recent 2003 addition to the ITR that codified President Clinton's August 1997 Executive Order No. 13059, which was the first to explicitly prohibit the direct or indirect exportation of such "services" to Iran.

We have not been able to find any legal authority in any Executive Order or the ITR that would require IEEE to *dissolve* its preexisting Section in Iran. There is no indication of either Congressional or Executive intention that Executive Order No. 13059 (1997) or § 560.204 (2003) should be given *retroactive* effect, certainly not going back nearly

Mr. R. Richard Newcomb
July 26, 2004
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three decades to 1970, a time when the United States and Iran enjoyed completely amicable diplomatic, political, military and economic relations. *Cf. Flatow v. Islamic Republic of Iran*, 999 F. Supp., 1, 13-14 (D.D.C. 1998), in which the court considered a statute where Congress had specifically added a retroactivity clause and stated the "application of statutes to pre-enactment conduct is traditionally disfavored."

If there is no logical or legal basis for applying Executive Order No. 13059 or § 560.204 retroactively, then the IA-15 ruling's "formation" language simply does not apply to IEEE's preexisting Section in Iran that was formed in 1970. If not voluntarily dissolved by IEEE itself, its Iranian Section remains as an unincorporated entity in Iran today, albeit unsupported by IEEE due to the ITR. OFAC's IA-15 ruling does stress that a U.S. entity cannot provide "services" to "support" such an entity in Iran, and IEEE does not challenge that portion of the IA-15 ruling. IEEE is not asking to be permitted to send anything non-exempt to Iran, but it is asking OFAC that IEEE be allowed to deal with its Iranian Section *as a legitimate IEEE Section* in terms of what it would ordinarily and normally do with any other national Section of IEEE regarding *exempt* "personal communications," "travel" and "information and informational materials" under § 560.210, including the following:

- send the same Section-related notices, bulletins, memoranda, letters, announcements invitations, etc. to the Iranian Section leadership that it would send to the leadership of any other national Section;
- publish in its IEEE Section directory information the names, addresses, phones, faxes, email addresses and the like of the Iranian Section leadership as it would for the leadership of any other national Section;
- send printed or electronic materials regarding conferences, meetings and symposia to the Iranian Section leadership as it would to the leadership of any other national Section, including invitations for the Section leadership to attend any world or regional meetings (outside the Sanctioned Countries) which Section leaders would normally attend;
- allow the Iranian Section leadership, under its own initiative, to organize local educational events within Iran such as meetings, conferences and educational symposia, as would be allowed the leadership of any other national Section, except that such events would occur without any external direction, support or services from IEEE;

- compile and distribute membership directories and lists of dues-paying members in Iran to its Iranian Section leadership on the same basis as would be done for the leadership of any other national Section (or, at the very least, allow the leadership of the Iranian Section to compile and distribute such membership directories of Iranian members to IEEE); and
- permit the Iranian Section leadership to recruit dues-paying members in Iran for IEEE on the same basis as it would the leadership of any other national Section in its respective country.

IEEE submits that its unique situation in Iran merits a *de novo* consideration by OFAC and that IA-15 is not controlling in this circumstance. IEEE's Section in Iran was established almost a full decade before the first of the Iranian sanctions was imposed and almost three decades before Executive Order No. 13059 and the current § 560.204 were adopted. IEEE requests a new ruling from OFAC that it should be able to communicate with and recognize its preexisting Iranian Section on the same basis as with any other national Section within IEEE and yet remain within the "personal communication," "information and informational materials" and "travel" exemptions of § 560.210(a), (c) and (d), respectively.

5. JOINT WORKS

Much like its sister professional societies, IEEE exists to promote peaceful scholarly exchange and education among its approximately 380,000 members and with other technical and scientific professionals. IEEE's members may choose, as individuals, to collaborate in research and teaching and in jointly writing letters, articles, or papers, sometimes even to the level of formal collaboration or co-authorship, including with persons in Sanctioned Countries. They may then submit such individual or joint works to IEEE or to other publishers of scholarly journals of their choice for consideration and publication.

IEEE therefore asks on behalf of its individual members and all fellow professionals in all disciplines of inquiry and research that OFAC reconsider and eliminate one part of its April 2, 2004 ruling⁹ -- its position on co-authorship and collaboration. On page 3 of that ruling, OFAC wrote: *"For purposes of clarifying the application of that regulatory standard in this context, we would consider a prohibited exportation of services to occur when a collaborative interaction takes place between an author in a Sanctioned Country and one or more U.S. scholars resulting in co-authorship or the equivalent thereof."*

⁹ 040405-IA-16 (which OFAC initially published in redacted form as "IA-15").

Mr. R. Richard Newcomb

July 26, 2004

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IEEE respectfully submits this OFAC position is both legally unsound and poor government policy for the reasons set forth in the legal memorandum attached as Exhibit G.

In closing, IEEE remains committed both to faithful compliance with applicable U.S. laws and to protection of the rights of its entire worldwide membership, including, to the greatest extent possible, the rights of association and expression for its members in the *United States and in the Sanctioned Countries*. To that end, IEEE has submitted to OFAC these five positions for concurrence by OFAC. IEEE looks forward to a continued dialog with OFAC to reach a just and equitable application of OFAC's rules to these unique and distinct situations that potentially adversely affect IEEE's relations with its members. Thank you.

Yours truly,

(b) (6), (b) (7)(C)

Dorsey & Whitney LLP

Counsel to The Institute of Electrical and Electronics Engineers, Incorporated

Attachments

cc: Arthur Winston, Ph.D., 2004 IEEE President

(b) (6), (b) (7)(C)

Regional Activities

Office of Foreign Assets Control
Correspondence Acknowledgment

Date: July 29, 2004

(b) (6), (b) (7)(C)

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OFFICE OF FOREIGN ASSETS CONTROL (OFAC)
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1500 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20220

Re: Case # IA-6489

This is to acknowledge receipt of your correspondence dated July 26, 2004. Please refer to the Case Number cited above and the date of your original correspondence if you need to contact us or send supplemental information. Please note that filing an application for a license or requesting information about the transaction prohibitions contained in Executive Order or regulations administered by OFAC does not suspend or excuse compliance with the prohibitions or requirements contained within. We look forward to serving you.

Note: Information on sanctions programs administered by OFAC can be retrieved at any time from our automated fax-on-demand system by dialing (202) 622-0077 or from our World Wide Web home page on the internet at www.treas.gov/ofac.

2012-05-066_0020

MEMORANDUM

To: Office of Foreign Assets Control, U.S. Department of Treasury

From: Dorsey & Whitney LLP on behalf of The Institute of Electrical and Electronics Engineers, Incorporated

Date: July 26, 2004

Re: Joint Works and OFAC Regulations

This legal memorandum summarizes the legal views of The Institute of Electrical and Electronics Engineers, Incorporated ("IEEE") on the issue of joint works (e.g., papers, letters to the editor, articles, book reviews or similar kinds of scholarly materials) that may be prepared by one or more U.S. persons working together with one or more persons in a Sanctioned Country such as Iran. In 040405-IA-16 ("the IA-16 ruling"), OFAC said in *dictum* that a U.S. person working to produce such a joint scholarly work would be providing a prohibited "service" in violation of 31 C.F.R. § 560.204. IEEE respectfully disagrees with that OFAC *dictum* in the IA-16 ruling and strongly urges that OFAC now reconsider and withdraw that portion of the IA-16 ruling.

1. The Berman Amendment.

The Omnibus Trade and Competitiveness Act of 1988, P.L. No. 100-418, 102 Stat. 1107 (1988) specifically amended the Trading with the Enemy Act ("TWEA") and the International Economic Emergency Powers Act ("IEEPA"), which are the seminal statutes underlying OFAC's embargoes, including the ITR. This amendment of TWEA and IEEPA is often called the "Berman Amendment." The Berman Amendment limits the President's power under TWEA and IEEPA, saying, in relevant part, "The authority granted to the President in this subsection does *not* include the authority to regulate or prohibit, *directly or indirectly*, the importation from any country, or the exportation to any country, whether commercial or otherwise of *publications*, ..." (emphasis supplied). IEEE submits that, if OFAC may block the very *writing* of a scholarly paper by a U.S. scholar and a Sanctioned Country scholar working together as co-authors or collaborators, this is exactly the sort of "indirect" regulation or prohibition of such a publication that was meant to be prohibited by the Berman Amendment. The co-authorship and collaboration rule set forth in OFAC's April 2 ruling violates the Berman Amendment and is therefore *ultra vires*.

The legislative history of the Berman Amendment, though modest, is surely clear enough to demonstrate that Congress was deeply concerned with protecting the critical First Amendment rights of Americans to read, write and publish "information and informational materials." It should be recalled that James Madison, the author of the First Amendment, initially proposed a version of the clause that he introduced in the House of Representatives on June 8, 1789, which provided: "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable." 1 Annals of Congress 451 (1789) (emphasis supplied). Madison's manifest intention in his drafts of the First Amendment was thus not only to protect "publication" as such (that is, at the level of the publisher) but also to protect the only means which can lead to publication, namely, a person writing (that is, at the level of the author).

IEEE respectfully asserts one cannot reconcile the Berman Amendment's manifest objective with OFAC's own April 2 assertion of a right to block a U.S. person – fully protected by the First Amendment – from electing to co-write with a person in a Sanctioned Country a letter to the editor, a book review, a scholarly article or paper any other kind of similar scholarly material intended for publication. It is illogical for OFAC to provide the exemption in § 560.210(c)(1) to protect the import or export of "information or informational

materials" but, at the same time, then to assert an unjustified governmental power to prevent the very preparation or writing of such materials in the first instance, particularly when the burden of that latter falls upon Americans who want to exercise their constitutional rights of free expression in its most classical form – to write and publish.

2. The Berman Amendment's Own Limitations on "Transactions".

IEEE notes the partial exclusion set forth in § 560.210(c)(2), which is commonly cited in OFAC's rulings under the ITR. However, IEEE submits that this statutory exclusion in the Berman Amendment is intended only to regulate commercial arrangements (as implied in the key regulatory term "transactions") that create financial benefit for a Sanctioned Country person, as confirmed by the origin of this exclusion in the earliest OFAC efforts to regulate the commissioning of new musical recordings by Cuban performing artists. See generally Comment, Constricting the Clave: The United States, Cuban Music, and the New World Order, 26 U. Miami Inter-Am.L.Rev. 129, 166 (1994). IEEE believes that the present "(c)(2)" exclusion originated in OFAC's original Berman Amendment rules. See 54 Fed. Reg. 5229, 5232 (February 2, 1989), where OFAC announced, *inter alia*, § 500.550(b) in the revised post-Berman Cuban embargo and where the distinction was first drawn between proper "transactions" for preexisting works (for which royalties can lawfully be paid to artists) and unlawful "transactions" for works not yet in being (for which prepayments to artists are not allowed):

"Transactions relating to the dissemination of informational materials are authorized, including remittance of royalties paid for informational materials that are reproduced, translated, subtitled or dubbed. This section does not authorize the remittance of royalties or other payments relating to works not yet in being, or for marketing and business consulting services, or artistic or other substantive alteration or enhancements to informational materials, as provided in § 500.206(c)." (emphasis supplied)

The foregoing language explains why § 500.206(c), the operative "exemption" provision in those Cuban embargo rules, begins *"This section does not authorize transactions related to information or informational materials . . ."* (emphasis supplied). The embargo's target is not (and never was) the information or informational materials themselves but rather "transactions" regarding such materials and, more specifically, the fine economic distinction first drawn in 1989 as set forth in § 500.550(b) quoted above. In a similar fashion, for example, in § 560.210(c)(2) of the current ITR, the critical words are substantially the same: *"This section does not exempt from regulation or authorize transactions related to information and informational materials . . ."* (emphasis supplied).

In fact, IEEE members write scholarly materials, either individually or with others, to advance science and technology generally, not for financial gain. Scholars in other fields of research and inquiry have a similar non-commercial goal for their work that is to be published in open, peer-reviewed academic or professional journals. In IEEE's view, the § 560.210(c)(2) exclusion in the ITR is clearly aimed only at commercial "transactions" and is inapplicable where there is no financial gain whatsoever to a Sanctioned Country author who collaborates with a U.S. colleague to prepare a letter, book review, article or other paper for a scholarly journal. If the (c)(2) exclusion does not apply, then such joint works should be within the main (c)(1) exemption for "information and informational materials."

3. Protection of Sensitive Technical Data.

OFAC's troublesome language in the IA-16 ruling is not necessary to protect sensitive technical data from being exported to any of the Sanctioned Countries. Existing law already bars the unlawful transfer of controlled "technical data" to Sanctioned Countries. The Berman Amendment and the OFAC rules both explicitly exclude materials or information "otherwise controlled for export under section 5 of the Export Administration Act of 1979" or other export control laws, and that exclusion is embodied in the relevant OFAC regulations (see, e.g., 31 C.F.R. § 560.210(c)(3) and (4)). Such regulations properly distinguish between what is of strategic importance (e.g., in the realm of anti-terrorism or non-proliferation) and what

is not. If OFAC is concerned that specific cases of collaboration or co-authorship may implicitly result in the transfer such controlled technical data, the proper solution is to apply those existing export control laws, not to block all joint scholarly work even if it provides no strategic content or commercial benefit whatsoever to a Sanctioned Country.

The OFAC position appears to block any sort of joint work, even if it is totally devoid of strategic technological content. Even acknowledging the need and right of the Government to impose normal export controls, there is no such policy rationale to block U.S. authors from exercise of their own First Amendment rights to write and publish papers with co-authors of their own choice when there is no conceivable strategic purpose to be served by such a universal ban on every form and kind of joint work. The Berman Amendment and the First Amendment are simply incompatible with such a total government ban (in the absence of OFAC "licensing") on co-authorship or collaboration in the preparation of scholarly joint works.

4. Illogic of Policy Choice. The OFAC IA-16 *dictum* would appear to prohibit two IEEE members, one in the U.S. and one in a Sanctioned Country, from writing a joint scholarly paper on the current state of electric power generation in a Sanctioned Country – or, for that matter, the current status of women engineers in Iran, Castro's persecution of engineers who might be among the leadership of the democratic reform movement in Cuba or the inability of Sudanese engineers to rebuild their country due to incessant Sudanese civil wars. Ironically, OFAC's ruling in IA-16 would seem even to forbid two human rights activists, one in the U.S. and one in a Sanctioned Country, from writing a joint newspaper editorial to protest the very conditions in such a Sanctioned Country that may have led to imposition of the OFAC sanctions in the first place. There is simply no rational public purpose served in allocating scarce and valuable OFAC resources to regulate such scholarly, non-commercial publications and to undermine one of the most fundamental human rights that the U.S. Government purports to be protecting.



IEEE EXECUTIVE SUMMARY



IEEE 7/26/04
Exhibit A

2012-05-066_0024

IEEE SOCIETIES AND TECHNICAL COUNCILS

IEEE Aerospace and Electronic Systems Society
IEEE Antennas and Propagation Society
IEEE Broadcast Technology Society
IEEE Circuits and Systems Society
IEEE Communications Society
IEEE Components, Packaging, and Manufacturing Technology Society
IEEE Computer Society
IEEE Consumer Electronics Society
IEEE Control Systems Society
IEEE Council on Superconductivity
IEEE Dielectrics and Electrical Insulation Society
IEEE Education Society
IEEE Electromagnetic Compatibility Society
IEEE Electron Devices Society
IEEE Engineering Management Society
IEEE Engineering in Medicine and Biology Society
IEEE Geoscience and Remote Sensing Society
IEEE Industrial Electronics Society
IEEE Industry Applications Society
IEEE Information Theory Society
IEEE Intelligent Transportation Systems Council

IEEE Instrumentation and Measurement Society
IEEE Lasers and Electro-Optics Society
IEEE Magnetics Society
IEEE Microwave Theory and Techniques Society
IEEE Nanotechnology Council
IEEE Neural Networks Society
IEEE Nuclear and Plasma Sciences Society
IEEE Oceanic Engineering Society
IEEE Power Electronics Society
IEEE Power Engineering Society
IEEE Product Safety Engineering Society
IEEE Professional Communication Society
IEEE Reliability Society
IEEE Robotics and Automation Society
IEEE Sensors Council
IEEE Signal Processing Society
IEEE Society on Social Implications of Technology
IEEE Solid-State Circuits Society
IEEE Systems, Man, and Cybernetics Society
IEEE Ultrasonics, Ferroelectrics, and Frequency Control Society
IEEE Vehicular Technology Society



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9.0 GEOGRAPHIC ORGANIZATIONAL UNITS

The formation, dissolution, transfer, merger and change of boundaries of any geographic organizational unit is approved by RAB Operating Committee, with ratification required by RAB. The RAB Operations Manual is a living document and the Regional Director may approve an exception to any of the guidelines stated in Section 9, provided the exception does not conflict with IEEE Bylaws/Policies. Each exception approved by the Regional Director will be reported to the Regional Activities Board.

A. Interpretation.

To the extent delegated by the IEEE Board of Directors, the Regional Activities Board shall interpret relevant policies and shall develop policies relating to the IEEE program of geographic organizational units. Guidelines for the operations, functions and administration of geographic organizational units shall be contained in the RAB Operations Manual.

B. Operational Procedures.

To the extent delegated by the IEEE Board of Directors, RAB shall recommend policies affecting the management and operation of its geographic organizational units. RAB shall be responsible for developing its plans, schedules, and procedures. The geographic organizational units shall operate in support of their assigned geographic area, as provided in their respective Bylaws. RAB shall apprise IEEE geographic units of RAB policies. The Regional Activities Board through the VP-Regional Activities/RAB Chair may bring reports, recommendations, or other actions by the Geographic Organizational Units to the IEEE Board of Directors and IEEE Executive Committee.

C. Monitoring IEEE Geographic Organizational Units.

To the extent delegated by the IEEE Board of Directors, the Regional Activities Board shall be responsible for monitoring the operations of the IEEE Geographic Organizational Units for adherence to the Not-for-Profit Corporation Law of the State of New York, the IEEE Certificate of Incorporation, IEEE Constitution, IEEE Bylaws, IEEE Policies Manual and the guidelines contained in the RAB Operations Manual.

9.1 REGIONS

A. Definition

In accordance to the IEEE Constitution, the territory of IEEE shall be divided, at the discretion of the Board of Directors into geographic areas known as Regions, which shall be specified in the Bylaws. A Region is a geographic unit consisting of a part of one, or of one or more countries, established by RAB as a basic operating organizational unit of IEEE for management and administrative purposes to represent and fulfill the needs of the members and the missions of the IEEE within the territory prescribed.

B. Region Formation

In accordance with IEEE Bylaw I-402.1 and the IEEE Constitution, the Regional Activities Board shall approve the formation, dissolution, transfer, merger or change of boundaries of any Region including the distribution of all funds and assets in the custody of that Region at the date of termination.

C. Region Operations

Region operations shall include the following functions:

1. Formulate goals and objectives for the Region.
2. Plan Region operations, including budget preparation and approval.

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Exhibit B

3. Report officer, financial operation and meeting reports to the Regional Activities Department.
4. Plan and implement programs in consonance with the IEEE mission, in support of the local organizational units in meeting the needs of the members of the Region.
5. Plan and implement programs in consonance with IEEE goals and objectives for the volunteer structure of the Region, for example, develop and implement leadership training programs for volunteers and members to enhance their interpersonal skills, group skills and leadership abilities.
6. Provide leadership opportunities for interested members to take an active role within the operations of the Region.

D. Region Committee

Each Region shall have a Region Committee (or Board of Governors), organized and operated in accordance with its Region Bylaws that are responsive to the particular needs of the Region. The Region Committee shall participate generally in the development of the IEEE through recommendations to the IEEE Board of Directors and/or the IEEE Executive Committee and to the Sections within the Region.

1. Membership representation and participation shall be optimized within financial, organizational and/or other restraints.
2. The Regional Director shall serve as the Region Committee Chair.
 - a. The Regional Director shall be selected in accordance with the RAB Nominations and Appointments process and the IEEE election process. (See IEEE Bylaw I-308.4 – Delegate-Elect/Director-Elect.)
3. The Region Committee shall consist of members as follows:
 - a. Voting
 1. Officers: Region Chair, Region Vice Chair (Director-Elect), Region Secretary, Region Treasurer, and Immediate Past Region Chair.
 2. Ex-Officio: Each Section Chair, the Region Coordinator of Professional Activities, where applicable, and the Chair of the Region Student Activities Committee.
 3. Selected Appointments: The Region Chair may appoint additional voting members. These may include Area Chairs, and the Chairs of Region standing committees such as Membership Development, Educational Activities, and Region Awards and Recognition, Region Chapters Coordinator, Graduates of the Last Decade (GOLD), Women in Engineering (WIE), etc. The number of additional voting members appointed shall not be more than one-fourth the number of Officers and Ex-Officio members, rounded up to the next whole number. Such additional members shall be appointed on a year-to-year basis by the Region Chair, subject to the approval of the Region Committee members designated in (9.1.D.3.a.1) and (9.1.D.3.a.2).
 - b. Voting or Nonvoting
 1. Other Appointments: Additional Committee members and Liaison Representatives necessary to ensure the effective functioning of the Region Committee may be appointed on a year-to-year basis by the Region Chair subject to the approval of the Region Committee members designated in (9.1.D.3.a.1) and (9.1.D.3.a.2). These positions may be voting or nonvoting as designated in the Region Bylaws or appointment, subject to the limitation on voting members as stated in (9.1.D.3.a.3)
4. For a particular committee meeting, the Section Chair, with the prior agreement of the Region Chair, may appoint an alternate representative who shall have the right to vote.
5. No alternate representative may be appointed for a Region Committee meeting other than for Section Chairs.

6. The Region Committee may establish an Executive Committee (ExCom) to act on its behalf between meetings of the Region Committee.
 - a. All actions of the ExCom are subject to ratification by the Region Committee. The Region Committee may, by majority vote of members present at its next following meeting, overrule any act or decision of the Region ExCom.
 - b. The composition of the ExCom shall be stated in the Region Bylaws.
7. With the exception of the Student Representative, each member of the Region Committee shall be an IEEE member of Member, Senior Member or Fellow grade.

E. Region Bylaws:

Each Region shall adopt Bylaws that are responsive to the particular needs of the Region for the purpose of governing the operations and administration of the Region. The Region Bylaws shall be reviewed periodically with any revisions being presented to the Regional Activities Board for approval.

F. Region Committee Officers

Pending Installation of the first Region Director of a Region, the President of the IEEE shall appoint a Chair pro tem of the Region Committee, with the approval of the Executive Committee, and the Chair pro tem shall appoint a Secretary-Treasurer pro tem.

1. An elected or appointed Vice Chair/Director-Elect as provided for in the Region Bylaws serves the Region Committee. Any election of a Vice Chair and/or Delegate Director-Elect must conform to the provisions of IEEE Bylaws. The Vice Chair or Director-Elect shall chair the Region Committee meetings in the absence of the Chair, conducting other Region Committee business in the absence or inability of the Chair to do so, and performing such other duties as assigned by the Chair.
2. The Region Chair may appoint a Secretary and a Treasurer or a combined Secretary/Treasurer as provided in the Region Bylaws and approved by the Region Committee. The duties of these officer(s) shall include correspondence, the keeping of the minutes of the Committee meetings, mailing notices, handling of funds, the keeping of financial records, the submission of a report to the Executive Committee at the end of each year to be sent to the Executive Director, and such other duties as are assigned by the Chair.
3. The Region Past Chair shall be the most recent Past Regional Director residing within the Region.
4. The names of the newly elected/appointed officers of the Region Committee shall be reported to IEEE Regional Activities Department within 20 days following appointment.

G. Region Nominating Committee

1. Each Region shall establish a Region Nominating Committee. The Chair shall be appointed in accordance to the Region Bylaws. If not specifically stated, the Region Director shall make the appointment.
2. The duties of the Region Nominating Committee shall include the preparation of a slate of candidates recommended for the office of Region Delegate-Director-Elect, to be submitted for approval to the Region Committee.
3. Except as noted in IEEE Bylaws, the slate shall include not less than two nor more than three candidates recommended for that office.
4. The Region Nominating Committee shall also be responsible for the annual solicitation within the Region of names of potential candidates to be considered by the IEEE Nominations and Appointments Committee and the RAB Nominations and Appointments Committee for service on IEEE Committees and Boards.

H. Region Funds

Each Region Committee shall conduct its activities within the IEEE Constitution, IEEE Bylaws, IEEE Policies, RAB Operations Manual and other rules externally imposed which by law affect the membership and activities of the IEEE.

1. Subject to budget limits approved by the RAB, the RAB Finance Committee shall authorize the transfer of funds to the respective Region treasuries, the amounts thereof to be decided in consultation with the respective Regional Directors.
2. Regions shall have the right to obligate their funds for all purposes necessary to promote their objectives except that no Region or any officer or representative thereof shall have any authority to contract debts for, pledge the credit of, or in any way bind the IEEE for those activities specifically prohibited in the IEEE Constitution, IEEE Bylaws, IEEE Policies and Procedures Manual or RAB Operations Manual.
3. Regions shall establish appropriate bank accounts for accounting of Region funds. Regions 1-6 shall establish Concentration Banking accounts as their only bank accounts. Regions 7-10 are strongly encouraged to establish Concentration Banking accounts as their only bank accounts
 - a. Accounts established in the name of IEEE must be reserved for the purpose for which they are established, without co-mingling of funds.
 - b. Regions may establish a reserve fund at least equal to one half of the total budgeted yearly expenditures. All IEEE Reserves must be invested in the IEEE Investment Fund.
 - c. All IEEE Regions must provide for the signatures of at least one volunteer and one additional volunteer signature as an alternative. In addition, the signature of the IEEE Staff Director - Financial Services, or his/her designee, shall be designated as an alternative. This will provide assurance to the IEEE organizational unit and to IEEE of the availability of one additional alternative signature.

I. Expense Reimbursement

Reimbursement of actual and necessary expenses, as authorized by the Region Committee, shall be provided to attend Region Committee meetings and other authorized meetings.

1. Reimbursement shall be at Region expense, and the formula governing reimbursement shall be under the jurisdiction of the Region Committee and consistent with over-all IEEE policies on reimbursement established by IEEE.
2. The Region Committee, in determining the amount of such reimbursement, shall take into account circumstances which may affect Sections of small size or which are remotely located.

J. Region Assessments

Upon approval of the IEEE Board of Directors, a voluntary or mandatory fee may be charged to members residing in a Region for specified services for the benefit of members within the Region. The BoD will determine whether the fee is to be voluntary or mandatory in a particular circumstance depending on the nature of specific services to be provided. See also IEEE Bylaw I-108 - Dues, Assessment and Fees.

K. Region Publications

Any Region (or group of Regions) may issue a local publication. A Region publication may be a Newsletter and/or a Journal/Magazine. Information carried in a Newsletter is not expected to be archival, where Magazines/Journals have archival value. Additional information is available in the IEEE Policies Manual (Section 6).

L. Region Committee Meetings

The Region Committee shall hold at least one meeting each year, at an appropriate time and place.

1. A quorum for a Region Committee meeting shall consist of a majority of the members of the Committee or their alternates and shall include representatives from at least half of the Sections in the Region.
2. The Regional Director or, in the event of his/her unavailability, the Region Committee Vice Chair, shall be responsible for calling the necessary number of Region Committee meetings and designation of the places of meeting.
3. Minutes of Region Committee meetings shall be forwarded to the RAB Secretary.

M. Region Student Activities Committee

Each Region shall establish a Region Student Activities Committee to be responsible to the Region Committee. It shall be concerned with the encouragement of student activities in the Region including Student member and Student Branch operations, general supervision of student activities and meetings when held on a Region basis, and the fostering and coordination of activities with the Sections.

1. The Region Student Activities Committee shall be composed of its Chair, all Counselors in the Region, the Region Student Representative, (other student appointees as appropriate), and any RAB Student Activities Committee members residing in the Region, ex officio.
2. The Regional Director shall appoint the Chair of this Committee and the Region Student Representative from the Region membership, for a two-year term of office that corresponds with or overlaps that of the Regional Director. The Chair of the Region Student Activities Committee (Member grade or higher) and the Region Student Representative (Student member) shall serve, ex officio, on the RAB SAC.

N. Region Dissolution

Regions failing to maintain reasonable activity may be dissolved and the Sections therein may be absorbed into other Regions, the boundaries of which are to be correspondingly altered.

9.2 AREAS

A. Definition

An Area is a part of a Region, consisting of several Sections, states, provinces, or countries which may be established by the Region Committee as a management and administrative organizational unit of IEEE to fulfill the communication needs and management/administrative missions of the Region within the territory prescribed.

1. The Regional Director may appoint Area Chairs to serve a one- or two-year term during the incumbency of the Director.
2. The Area Chair acts on behalf of and at the direction of the Regional Director on specific assignments related to the management and administration of the Region.
3. The Area Chair(s) may serve on the Region Committee with the approval of the Region Committee.

9.3 Councils

A. Definition

A Council may be formed by agreement of a group of contiguous Sections and it exists at their pleasure. It is intended to act as a subordinate committee of the Sections and they have the right to direct its operation. It is formed by the Sections to do only those delegated tasks that can be best done together by the Sections rather than singly by each Section. The Sections retain their recognition as the basic operating, executive and administrative unit of the IEEE. The Regional Director and the Regional Activities Board shall approve the formation of a Council.

B. Council Formation

1. Petition Process

- A. The petition shall contain the signature of the Chairs of the contiguous Sections forming the Council.
- B. The petition shall be submitted to the Managing Director, Regional Activities for verification.

2. Approval Process

- A. Following verification, the petition shall be approved by the Region Committee before submission to RAB.
- B. Regional Director presents recommendation for approval of Council formation to RAB.

C. Council Bylaws

- 1. There shall be Council Bylaws for the purpose of governing the operations and administration of the Council.
- 2. Council Bylaws shall name the Council and the Sections included in the Council.
- 3. Council Bylaws shall provide for the election of the Council Committee either by direct membership election of the affected IEEE members or by vote of the Section representatives.
- 4. Council bylaws shall specify the election procedure for balloting, according to the provisions of this Operations Manual (see "E" below).
- 5. Council bylaws shall specify the officers of the Council Committee, and, where one exists, the Council ExCom.
- 6. Council bylaws shall specify the fiscal year of the Council. The fiscal year shall be the calendar year.
- 7. If agreed to by the participating Sections, Council Bylaws shall provide for the establishment of Chapters and Affinity Groups for administrative and financial management of them after formation.
- 8. The suggested format and language for Council Bylaws is attached as Appendix I Bylaw Guide.
- 9. Council Bylaws, and any amendments thereto should be submitted to the Regional Activities Department for review to determine their compliance with IEEE Bylaws and Policy Manual. The Council shall approve council bylaws, Sections comprising the Council, and the Region Committee.
- 10. Recommendation for the approval of Council bylaws shall be submitted to RAB by the Regional Director.

D. Council Committee

- 1. Each Council shall have a Council Committee, which shall consist of at least the Council Chair, the Council Vice Chair, the Council Secretary, the Council Treasurer, and the Council Student Activities Committee Chair, if such Committee exists, and one representative of each Section in the Council appointed by the Section Executive Committee.
- 2. The Council Committee shall hold at least one meeting each year, within the Council geographic boundaries.
 - a. A quorum for a Council Committee meeting shall consist of a majority of the members of the Committee and shall include representatives from at least half of the Sections of the Council.
 - b. The Council Chair or, in the event of his/her unavailability, a Council Vice Chair, shall be responsible for calling the necessary number of Council Committee meetings.

E. Officers

1. The Council officers are the Council Chair, Vice Chair, Secretary and Treasurer, except where the latter two offices are combined, in which case, there shall be three council Officers only. All officers shall be elected annually as provided in the Council Bylaws.
2. Each member of the Council Committee shall be an IEEE member of Member, Senior Member or Fellow grade.
3. The Council Chair shall be Chair of the Council Committee.
4. Pending election of the first Chair of the Council, the Regional Director shall appoint a Chair pro tem of the Council Committee, and the Chair pro tem may appoint a Secretary and Treasurer pro tem.
5. The Council Chair shall serve as Chair for all meetings of the Council, the Council Committee and the Council ExCom where such ExCom exists.
6. The Council Vice Chair shall assist the Chair in the coordination of all Council activities. At the request of the Chair or in the absence of the Chair, the Vice Chair shall Chair meetings of the Council, Council Committee or Council ExCom.
7. The duties of the Council Secretary shall include correspondence, the keeping of the minutes of the Committee meetings, mailing notices, submission of officer reports and, if appropriate, submission of Society Chapter meeting and officer reports to the Regional Activities Department at the end of each year and such other duties as are assigned to him/her by the Chair.
8. The duties of the Council Treasurer shall include the development of a Council budget for approval by the Council, accounting of all Council funds, keeping financial records, and submitting the Geographic Unit Annual Financial Report of the Council to the IEEE Staff Director, Financial Services.
9. The term of office for all officers shall normally be one year, but may continue until a successor has been duly elected and take office. The term of office will date from 1 January through 31 December. The consecutive period of service in any one office shall not exceed two years. There shall be no extensions beyond the two consecutive one-year terms.
10. The names of the newly elected/appointed officers of the Council shall be reported by the Council Secretary to IEEE Regional Activities Department within 20 days following election/appointment.

F. Council Nominating Committee

1. Each Council shall establish a Council Nominating Committee. The Council Chair shall appoint the Nominations Committee Chair. With the consent of the Council, the most recent Past-Chair shall serve as Chair. All constituent Sections shall have a representative on the Nominating Committee.
2. The duties of the Council Nominating Committee shall include the preparation of a slate of candidates recommended for the offices of Council Chair, and such other members of the Council elected at-large, in accordance with the Council Bylaws, to be submitted for approval by the Council Committee.
3. Except as noted in IEEE Bylaws, the slate shall include not less than two nor more than three candidates recommended for each office.
4. The Council Nominating Committee shall also be responsible for the annual solicitation within the Council of names of potential candidates to be considered by the Council Nominating Committee.

G. Council Election Process

1. Six months prior to the date of election, the Council Nominating Committee Chair shall issue a "Call for Nominations" for all positions elected at-large to all voting members of the Council through an appropriate medium.

2. Council Committee members and Section Chairs shall submit nominations within one month of the "Call for Nominations".
3. The Council Nominating Committee shall verify the candidate's eligibility and willingness to serve. The Council Nominating Committee shall also gather position statements and biographies of the potential candidates, as appropriate.
4. The Council Nominating Committee will select from all such submissions candidates for each position to be elected at large, and submit the slate of candidates to the Council Committee for ratification. The slate of candidates, at least two but not more than three candidates, shall be communicated to the voting members of the Council not less than six weeks prior to the election date. In addition, provision shall be made in the communication for petition candidates for these offices.
5. Petition candidates shall require the signatures of a minimum of one percent of the voting members of the Council, with at least 10% of the signatures coming from each constituent Section. No more than 25 signatures shall be required from each constituent Section.
6. The entire slate of candidates for office shall be communicated to the voting members of the Council not less than two weeks prior to the election date.
7. The election process shall be by secret ballot.
8. The Chair of the Council shall submit the names of three members of the Council to serve as a Tellers Committee, to the Council Committee for approval. After the tally of votes, the Tellers Committee shall report the results of the election to the Council Chair. The Council Chair shall inform each candidate for office of the results of the election prior to announcing the results to the Council.
9. The names of the newly elected/appointed officers of the Council shall be reported to IEEE Regional Activities Department within 20 days following election/appointment.

H. Council Funds

Each Council Committee shall conduct its activities within the IEEE Constitution; IEEE Bylaws, IEEE Policies and other rules externally imposed which by law affect the membership and activities of the IEEE. Councils shall have the right to obligate their funds for all purposes necessary to promote their objectives, except that no Council or any officer or representative thereof shall have any authority to contract debts for, pledge the credit of, or in any way bind the IEEE for those activities specifically prohibited to individual Sections.

1. Financial support for Council activities shall be obtained from the Sections comprising the Council or from income producing activities, such as symposia and conferences, sponsored by the Council, or as otherwise provided by the Region.
2. If a Council is the sponsoring unit of a Society Chapter or Affinity Group, it is eligible to receive the rebate allowed for Society Chapters or Affinity Groups. Rebate funds are intended to support the activities of Society Chapters or Affinity Groups.
3. Councils may establish appropriate bank accounts for accounting of Council funds. Councils within the United States are strongly encouraged to use IEEE Concentration Banking accounts as their only bank account. All Geographic Unit accounts shall have signature cards with at least two volunteer signatures, one volunteer as the primary signatory and one additional volunteer as an alternate. Where government or banking regulations prohibit such a requirement, an exemption may be requested.
4. Councils may establish a reserve fund at least equal to one half of the total budgeted yearly expenditures.
5. All unit funds management shall adhere to a fiscal year 1 January - 31 December.

I. Sections Joining or Withdrawing from a Council

1. A neighboring Section wishing to join an existing Council may do so with the approval of its own Executive Committee, the Council Executive Committee, the Region Executive Committee and RAB. The recommendation for approval of the Section joining the Council is presented to RAB by the Regional Director.

2. After a Section has been a part of a Council for two years, the Section Executive Committee may call for a vote of the Section membership to withdraw from the Council.
3. The results of the Section vote will be reported to the Regional Director. In the event that the Section membership has voted to withdraw from the Council, the Regional Director will present this recommendation to RAB for approval. A Council shall be dissolved if it consists of only one Section.

J. Council Requirements for Activity

1. Councils are required to submit to IEEE Financial Services staff a report of the previous year's financial activity by the third week of February each year. Failure to comply with this requirement shall be reported to the Chairs of the participating Sections and the Regional Director.
2. If a Council is a sponsoring unit of Society Chapter or Affinity Group, it must also submit the meeting and officer reports of those units on an annual basis, in order to qualify for the rebate allowed for Chapters or Affinity Groups.
3. Councils exist at the pleasure of the Sections comprising them. A Section or Sections may petition the Regional Director to intervene in Council operations in the event of an insoluble dispute. The Regional Director, at his or her discretion, may ask RAB for assistance in resolving the dispute.

K. Council Probation

1. In the event that a Council fails to submit the required financial, and, where appropriate, Society Chapter or Affinity Group meeting and officer reports for two years, the Council will be placed on probation.
2. The Council, member Sections, Regional Director and RAB will be informed by the Managing Director, Regional Activities.

L. Council Dissolution

1. After one full year on probation a Council, which has not submitted the required financial reporting, will be subject to dissolution by RAB at the recommendation of the Regional Director.
2. RAB may dissolve any Council for any reason deemed sufficient by RAB, and any remaining funds and assets in the custody of that Council shall revert to the IEEE.
3. The Region Director may request of RAB that the dissolved Council's funds be divided equally among Sections which had been members of the Council.

9.4. Sections

A. Definition

A Section is the basic operating organizational unit of IEEE constituted by a minimum of 50 members other than Students and established with the approval of RAB by petition of those who live/work in relatively close proximity to be served by activities that meet their needs and further the missions of IEEE.

1. The Section shall have for its purpose the advancement of the theory and practice of IEEE designated fields and the maintenance of high professional standards among its members, with special attention to such aims within the territory of the Section, all in consonance with the IEEE Constitution, IEEE Bylaws, IEEE Policy Manual RAB Operations Manual and Region Bylaws.
2. All Sections shall be exclusively those of the IEEE. Management of an IEEE Section shall be exclusively by IEEE members and not jointly with members of any other organization, society, or group. However, IEEE Sections may cooperate with other organizations in holding joint meetings and may invite members of such organizations and the public to their meetings.

3. With the approval of the Regional Director(s), two or more Sections may join in mutual support of the following activities: joint publications; joint meetings, conferences or symposia; joint Society Chapter or Affinity Group meetings; student activities; and such related activities as may be approved from time to time by RAB. If in pursuing such joint activities it appears desirable to establish a formal aggregation of contiguous Sections, to be called a Council, and to be governed by Bylaws, this may be done under provisions herein.

B. Section Territory

The territory of the Section is approved by RAB, and may be enlarged, reduced or otherwise altered by RAB at any time, in accordance with the IEEE Bylaws.

1. The territory of a Section shall be entirely within the territory of one region.
2. A member of a Section shall be determined by the preferred mailing address, except where such member requests membership in a contiguous Section.

C. Section Formation

1. A petition for the formation of a Section shall be signed by not fewer than fifty (50) members of that Section other than Students, having a mailing address within the territorial limits proposed in the petition.
2. The petition shall state the proposed name and territorial boundaries of the Section.
3. The petition shall provide the name, address, and contact information of the organizer of the Section. The organizer shall be of a Member or of higher-grade status.
4. The petition shall be presented to the Managing Director, Regional Activities for verification prior to submission to RAB. The Managing Director will confirm the validity of the petition, and concurrence of the surrounding Sections.
5. Regional Director presents recommendation for approval of Section formation to RAB.

D. Section Management

1. Section Bylaws shall provide for the management of the Section affairs by an Executive Committee consisting of the elected officers, and such other members as may be specified in the Section bylaws.
2. All Chapters and Affinity Groups in the Section shall have voting representation either individually or collectively on the Section Executive Committee, and the Subsection Chairs shall be ex-officio members with voting power.
3. Sections may have Student representation on the Executive Committee through appointment of one Student member and/or the Chair of the Section Student Activities Committee.
4. Section Bylaws shall provide a quorum for business meetings, which shall be conducted in accordance with Robert's Rules of Order (latest version) as the standard parliamentary authority. The duties of the officers are described below.
5. Reasonable efforts should be made to notify all members of Section meetings. Methods of communication could be hard copy distributions, email distributions in keeping with IEEE email policies, and Section web site updates. Not less than once a year a hard copy mailing should be sent to the active Section membership including at least the following information: how to subscribe to the Section email list, the URL for the Sections' web page, and how members may update their contact information in the IEEE master database.

E. Section Bylaws:

1. There shall be Section Bylaws for the purpose of governing the operations and administration of the Section.
2. Section Bylaws shall be prepared and presented for approval not more than six months following the date of formation
 - a. Proposed Bylaws or changes thereto, and sufficient reasons therefore, shall be delivered or mailed to the Section Executive Committee members at least twenty days before the stipulated meeting of the Section Executive Committee at which the vote shall be taken. Two-thirds of all votes cast at that meeting shall be required to approve any new Bylaws, amendments or revocation. Such Bylaws shall be consistent with the IEEE Constitution, IEEE Bylaws, Policy and Procedures and this RAB Operations Manual.
 - b. Section Bylaws shall name the Section and the territory of the Section in terms of a specific geographic area, as approved by RAB.
 - c. Section Bylaws shall specify the election procedure for balloting, according to the provisions of this Operations Manual. (See Section 9.4.H)
 - d. Section Bylaws shall specify the fiscal year of the Section as the calendar year.
 - e. Section Bylaws shall provide for the establishment of Subsections, Technical Chapters and Affinity Groups and for administrative and financial management of them after formation.
 - f. A copy of the current Section Bylaws, and any amendments thereafter, shall be submitted to the Regional Director and the Regional Activities Department for review prior to forwarding to RAB for approval.
3. The suggested format and language for Section Bylaws is attached as Appendix I -Section Bylaw Guide.

F. Section Officers:

Officers of the Section as defined in the Section Bylaws shall be at least a Chair, a Vice Chair, a Secretary, and a Treasurer. The Section may combine the offices of Secretary and Treasurer.

1. With the exception of the Student Branch Representative, each member of the Section Committee shall be an IEEE member of Member, Senior Member or Fellow grade.
2. Pending election of the first officers of the Section, the Regional Director shall appoint a Chair pro tem of the Section Committee, and the Chair pro tem may appoint a Secretary and Treasurer pro tem.
3. The Section Chair shall serve as Chair for all meetings of the Section, the Section Committee and the Section ExCom where such ExCom exists.
4. The Section Vice Chair shall assist the Chair in the coordination of all Section activities. At the request of the Section Chair or in the absence of the Section Chair, the Section Vice Chair shall chair meetings of the Section, Section Committee or Section ExCom.
5. The duties of the Section Secretary shall include correspondence, the keeping of the minutes of the Committee meetings, mailing notices, and submission of meeting and officer reports to the Regional Activities Department at the end of each year and such other duties as are assigned to him/her by the Chair.
6. The duties of the Section Treasurer shall include the development of a Section budget for approval by the Section, accounting of all Section funds, keeping financial records, and submitting the Financial Operations Report of the Section to the IEEE Staff Director, Financial Services.
7. All officers shall be elected annually as provided in the Section Bylaws. The term of office for all officers shall normally be one year, but may continue until a successor has been duly elected and takes office. The term of office will date from 1 January through 31 December.

The consecutive period of service in any one office shall not exceed two years. An individual may be re-elected to a position previously held provided at least one year has passed since he or she held that office.

8. Section Bylaws shall provide for the filling of vacancies.
9. The names of the newly elected/appointed officers of the Section shall be reported by the Section Chair to IEEE Regional Activities Department within 20 days following election/appointment.

G. Section Nominating Committee

1. Section Bylaws shall provide for appointment by the Section Chair of a Nominating Committee of three or more Section members not then officers of the Section.
2. The duties of the Section Nominating Committee shall include the preparation of a slate of candidates recommended for the offices of Section Chair, Vice Chair, Secretary, Treasurer (or Secretary/Treasurer), and such other members of the Section elected at-large, in accordance with the Section Bylaws, to be submitted for approval by the Section Committee.
3. Except as noted in IEEE Bylaws, the slate shall include not less than two nor more than three candidates recommended for each office.
4. The Section Nominating Committee shall also be responsible for the annual solicitation within the Section of names of potential candidates to be considered for positions on Section committees according to the Section Bylaws.
5. The Section Nominating Committee shall respond on behalf of the Section to calls for elected positions for Councils, and Regions as appropriate. Nominations for such positions shall be submitted to the Section Committee or ExCom, as appropriate, for ratification.

H. Section Election Process

1. Six months prior to the date of election, the Section Nominating Committee Chair shall issue a "Call for Nominations" for all positions elected at-large to all voting members of the Section through an appropriate medium.
2. Section members shall submit nominations within one month of the "Call for Nominations".
3. The Section Nominating Committee shall verify the candidates' eligibility and willingness to serve. The Section Nominating Committee shall also gather position statements and biographies of the potential candidates, as appropriate.
4. The Section Nominating Committee will select from all such submissions at least two but not more than three candidates for each position elected at large, and submit the slate of candidates to the Section Committee for ratification.
5. The slate of candidates for elected office shall be communicated to the voting members of the Section not less than six weeks prior to the election date. In addition, provision shall be made in the communication for petition candidates for these offices.
6. Petition candidates shall require the signatures of a minimum of one percent of the voting members of the Section, except in no case shall more than 25 signatures be required.
7. The entire slate of candidates for office shall be communicated to the voting members of the Section not less than two weeks prior to the election date.
8. The election process shall be by secret ballot.
9. The Section Chair shall submit the names of up to three members of the Section to serve as a Tellers Committee, to the Section for approval. After the tally of votes, the Tellers Committee shall report the results of the election to the Section Chair. The Section Chair shall inform each candidate for office of the results of the election prior to announcing the results to the Section membership.

I. Section Funds

RAB shall be responsible for distributing rebate funds to the Sections in accordance with a stated set of objectives and a plan of distribution prepared by the RAB/TAB Section/Chapter Support Committee and submitted for approval to RAB.

1. There shall be no Section assessments for Sections in Regions 1 - 7. Upon approval by IEEE Board of Directors, emergency or extraordinary expenses may be provided by voluntary contribution from the membership of the Section.
2. For Sections in Regions 8 - 10, an assessment may be established. A Section or group of Sections within a single country can apply to IEEE Board of Directors through the Regional Director for an assessment to fund an office and/or staff to improve interaction with the national society in that country. A business plan for the proposed expenditures and the results of a ballot sent to all members showing clear support for this action shall be included on the application.
3. Funds within the Section, from whatever source derived, are the property of the IEEE, and shall not be used for purposes other than the normal operations of the Section as defined in the IEEE Bylaws or published interpretation of policy, without prior authorization of RAB and/or the IEEE Executive Committee, unless otherwise provided.
4. Funds derived from member dues (rebate funds) shall not be used for scholarships, fellowships and other education awards. The awards activities shall be supported by funds from activities all or in part specifically directed to such usage. Contributions may be accepted for such use and donations should be encouraged by the use of tax-exempt mechanisms, where available.
5. Sections shall have the right to obligate their funds for all purposes necessary to promote their objectives, except that no Section or any officer or representative thereof shall have any authority to contract debts for, pledge the credit of, or in any way bind the IEEE for those activities specifically prohibited in the governing documents of the IEEE or published interpretation of policy.
6. The Section may serve nonmembers or groups wishing to receive meeting announcements and other Section publications.
7. Sections may accept local voluntary financial contributions.
8. Chapter and Affinity Group funds provided to the Section through the annual rebate are intended for the support of those subunits. Chapters and Affinity Groups shall be funded at a minimum at the level of the annual Rebate.
9. Sections shall establish bank accounts for all IEEE funds.
 - a. Accounts established in the name of IEEE shall be reserved for the purpose for which they are established, without co-mingling of funds.
 - b. All Geographic Unit accounts shall have signature cards with at least two volunteer signatures, one volunteer as the primary signatory and one additional volunteer as an alternate. In addition, all IEEE Geographic Units accounts must have the IEEE Staff Director, Financial Services as a signatory thereon (Policy 11.3.A.3). Exemptions must be requested as part of the Geographic Unit Annual Financial Report, and approved by the Region Director.
 - c. Sections are encouraged to utilize the IEEE Concentration Banking Program as a depository for all IEEE funds, if possible
10. Custody Accounts (Regions 8 - 10): The purpose of the Custody Account shall be to facilitate the payment of IEEE products and services in US funds through a direct deposit of the Section rebate, while supporting Section activities through the collection of funds in local currency. Services supported by the custody account include, but are not limited to, payment for initial membership application, membership renewal and the purchase of IEEE products.
11. Reserves: Sections may establish a reserve fund at least equal to one half of the total budgeted yearly expenditures.
12. All unit funds management must adhere to a fiscal year 1 January - 31 December except where government or banking regulations prohibit such a requirement such exceptions must

be reported to RAB through the Region Director.

13. Sections shall submit a Financial Operations Report to the IEEE Staff Director, Financial Services. Upon request, staff shall provide the Regional Director with a summary of each Section's financial report.

J. Section Expenses

1. Ordinary expenses of the Section shall be defrayed by the funds supplied by the IEEE either directly or by allocation from the Region.
2. Emergency or extraordinary expenses may be provided by voluntary contribution from the membership of the Section.

K. Section Publications

Any Section that publishes a periodical shall inform RAB of the establishment thereof and shall provide the Regional Director and IEEE Regional Activities Department with copies thereof, as published. (See Section 11 of this Manual and/or Section 6 of the IEEE Policies Manual)

L. Section Reporting Requirements

1. A Section shall be required to maintain a membership of not fewer than twenty-five (25) members, other than Students.
2. A Section shall be required to hold not less than five (5) meetings per year. Chapter and/or Affinity Group meetings may be counted in fulfilling Section meeting requirements.
3. The Section Secretary or Secretary/Treasurer shall submit an annual report of meeting activities and the roster of officers to the Regional Activities Department staff.
4. The Section Treasurer or Secretary/Treasurer shall submit the Geographic Unit Annual Financial Report to IEEE Financial Services Department Staff.

M. Section Probation

1. Failure of a Section to meet the minimum required activities as described in 9.4.L for a period of one year shall result in the Section automatically being placed on probation, effective 1 January of the following year.
2. Probation means that in addition to a report to RAB, the Section will not be eligible for Rebates until the Section comes into compliance with the minimum requirements. In addition, RAB may take such action as deemed appropriate in the circumstances.
3. Funds in the possession of a Section that was under probation for more than one (1) year will be transferred by RAB into a custody account until either;
 - a. Section comes into compliance with minimum requirements and repossesses the funds;
 - or
 - b. Region Director has requested that the funds be dispensed to the Section for Rejuvenation; or
 - c. Section is dissolved (in accordance with 9.4.N)
4. The IEEE Managing Director, Regional Activities or the Vice President, Regional Activities shall inform the Section Chair and the Regional Director of the probation.

N. Section Dissolution

1. RAB may dissolve any Section for any reason deemed sufficient by RAB and take the necessary action to transfer any remaining funds and assets in the possession of that Section under the custody of IEEE Regional Activities. If appropriate, the funds of the dissolved Section shall be divided proportionally among the Sections to which the membership is reassigned.
2. If the probation of a Section continues for a second year, and in the absence of plans to

reactivate the Section acceptable to the Regional Director and RAB, the Regional Directors with the concurrence of RAB shall dissolve the Section, with Members in that Section territory reassigned to another Section approved by the Regional Director and RAB. The Managing Director, Regional Activities shall so inform the members previously constituting the Section.

3. RAB may waive the provisions herein regarding dissolution of a Section in case war or any other force majeure affects such Section, for the period of the duration thereof and for at least six months thereafter. Responsibility for waiving requirements for the activity level of Sections with respect to probation shall be assigned to the respective Regional Directors.

9.5 SUBSECTIONS

A. Definition

A Subsection is a part of a Section, constituted by a minimum of twenty (20) members, and established by petition to the Section ExCom, with the approval of RAB, who live/work in relatively close proximity to be served by the activities that meet their needs and further the missions of IEEE.

B. Subsection Petition for Establishment

A Section may establish Subsections of the Section, subject to the same limitation and control as the Section itself pursuant to the following conditions:

1. In the case of Subsections, a petition shall be submitted to the parent Section Executive Committee signed by not fewer than twenty members (20), other than Students, having mailing addresses within the territorial limits proposed in the petition. The territorial limits of the proposed Subsection shall be specifically delineated in the petition.
2. Approval of the petition by the parent Section Executive Committee and the Regional Director.
3. Notification to the IEEE Managing Director, Regional Activities of actions by a Section regarding Subsections with a copy of petition or petitions.
4. Approval by RAB.

C. Management of Subsection

1. The management of the Subsection mirrors that of the Section and the Bylaws of the Section are those, which govern the Subsection. These procedures include, but are not exclusive of Nominations, Elections, Officers, and Publications.
2. Reasonable efforts should be made to notify all members of Subsection meetings. Methods of communication could be hard copy distributions, email distributions in keeping with IEEE email policies, and subsection web site updates. Not less than once a year a hard copy mailing should be sent to the active subsection membership including at least the following information: how to subscribe to the subsection email list, the URL for the subsection's web page, and how members may update their contact information in the IEEE master database.

D. Subsection Funds

1. Sections shall be responsible for distributing funds to its Subsections in accordance with a stated set of objectives and a plan of distribution, which shall be in consonance with the missions of the IEEE and RAB.
2. There shall be no Subsection assessments.
3. Subsections are encouraged to utilize the IEEE Concentration Banking Program as a depository for all IEEE funds, if possible.
 - a. All Geographic Unit accounts shall have signature cards with at least two volunteer signatures, one volunteer as the primary signatory and one additional volunteer as an alternate. In addition, all IEEE Geographic Units accounts must have the IEEE Staff Director, Financial Services as a signatory thereon (Policy 11.3.A.3). Exemptions must be requested as part of the Geographic Unit Annual Financial Report, and approved by the Region Director.

E. Subsection Expenses

Ordinary expenses of the Subsection shall be defrayed by the funds supplied by the Section in agreement with the Section budget. Emergency or extraordinary expenses may be provided by

voluntary contributions from the membership of the Subsection.

F. Subsection Probation

As established by RAB the minimum number of meetings to maintain Subsection status shall be five (5) per year. The minimum membership of the Subsection shall not be less than fifteen (15) members other than Students. Meetings held by a Chapter in conjunction with the Subsection may be counted in fulfilling these requirements.

The Subsection is required to submit an annual report of meeting activities and the roster of Officers to the IEEE Managing Director, Regional Activities. A financial report shall be submitted annually to the Section.

Failure of a Subsection to maintain these minimum required activities shall be reported to the Regional Director and RAB and may result in the Subsection being placed on probation. The IEEE Managing Director, Regional Activities or the Vice President, Regional Activities, shall inform the Section Chair, Subsection Chair and the Regional Director of the Subsection Probation.

Probation in this case means that RAB may take such action as deemed appropriate in the circumstances, particularly that if the Subsection does not come into compliance with these minimum requirements, with the Regional Director's recommendation, the Subsection may be dissolved.

G. Subsection Dissolution

RAB may dissolve any Subsection for any reason deemed sufficient by RAB and any remaining funds and assets in the custody of that Subsection shall revert to the IEEE. The Region Director may request that the funds of the dissolved Subsection be returned to the IEEE Section.

1. If the probation of a Subsection (see 9.4.J above) in Regions 1 through 6 continues for a second year, and in the absence of plans to reactivate the Subsection acceptable to the Regional Director and RAB, the Subsection shall be automatically dissolved, with members in that Subsection territory reassigned to the Section. The IEEE Managing Director, Regional Activities shall so inform the members previously constituting the Subsection.
2. If the probation of a Subsection (see 9.4.J above) in Regions 7 through 10 continues for a second year, the Regional Director, with the concurrence of the Region Committee and RAB, shall take appropriate action in this matter.
3. RAB may waive the provisions herein regarding dissolution of a Subsection in case war or any other force majeure affects such Subsection, for the period of the duration thereof and for at least six months thereafter. Responsibility for waiving requirements for the activity level of Subsections with respect to probation shall be assigned to the respective Regional Directors.

9.6 CHAPTERS

A. Definition

A Chapter is a technical subunit of one or more Sections, or a Council, constituted by a minimum of twelve (12) members of a Society and established by petition to the parent unit(s) and Societies concerned to represent and fulfill the technical needs of the members and the missions of IEEE.

1. A Chapter functions in a manner similar to that of a committee of the Section/Council.
2. In instances where Section/Council territorial geography may warrant and Society member interests are sufficient to support multiple Chapters of a Society, additional Chapters, suitably identified, may be formed and operate under the current applicable procedures.

B. Chapter Formation

1. **Petition Process.** A petition to establish a Chapter shall contain the following:
 - a. Name of the Section(s);
 - b. Name of the sponsoring Society (ies);
 - c. Name of the organizer (who becomes Interim Chair pending election of a regular Chair at a later organization meeting);

- d. Signatures of at least twelve (12) IEEE members, other than Students, who are members of the Society (ies) and Section(s) involved;
- e. A Joint Chapter may be established by the procedures defined herein to cover the territory of two or more contiguous Sections, or a Council, or the interests of two or more Societies within the territory provided the necessary approval is obtained by all concerned. That petition shall identify the organizational unit assuming responsibility for the Chapter management. That organizational unit shall receive rebates for the Chapter meetings. These funds are intended for the support of Chapter activities.
- f. The petition for a Chapter shall be submitted to the Section/Council Executive Committee for written approval and forwarded with this written approval to the IEEE Managing Director, Regional Activities. The IEEE Managing Director, Regional Activities shall forward a copy of the petition to the President(s) of the Society(ies) for verification to the IEEE Managing Director, Technical Activities for information.

2. Approval Process

- a. The Chapter shall be considered established after the IEEE Managing Director, Regional Activities and IEEE Managing Director, Technical Activities have ascertained that the Regional Director and the Society President(s) have no objection to its formation. The RAB/TAB Section/Chapter Support Committee Chair presents recommendation for approval of Chapter formation to RAB.
- b. The IEEE Managing Director, Regional Activities shall so notify the Society President, and the Section/Council Chair on behalf of the IEEE Executive Director.

C. Chapter Management

Responsibility for Chapter management shall rest with the Section/Council, which shall have control of all financial and other assets of the Chapter in carrying out its activities.

- 1. A Chapter may maintain its own accounting of income and disbursements, either within separate sub-accounts of the Section treasury or within a separate bank account as approved by the Section Executive Committee. Funds in such an account may include income received by the Chapter from Societies and Technical Councils and the Chapter's share of income and disbursements associated with programs sponsored or cosponsored by the Chapter and with operations of the Section.
- 2. If, upon petition by a Chapter to maintain a separate bank account, the Section withholds its approval, or if the Section decides to eliminate an existing account, the Section shall first seek the approval of the Vice Presidents of Regional and Technical Activities stating the reasons for its decision.
- 3. Those Chapters having separate bank accounts shall submit a year-end financial statement to the Section by 15 January for the previous fiscal year.
- 4. The managing Section shall be responsible for auditing, proper accounting, and submitting, with its annual financial report, a Chapter financial statement to the IEEE Staff Director, Financial Services.
- 5. Reasonable efforts should be made to notify all members of Chapter meetings. Methods of communication could be hard copy distributions, email distributions in keeping with IEEE email policies, and Chapter web site updates. Not less than once a year a hard copy mailing should be sent to the active Chapter membership including at least the following information: how to subscribe to the Chapter email list, the URL for the Chapter's web page, and how members may update their contact information in the IEEE master database.

D. Chapter Officers

Officers of the Chapter as defined in the Section Bylaws shall be at least a Chair, a Vice Chair, a Secretary, and a Treasurer. The Chapter may combine the offices of Secretary and Treasurer.

- 1. Each member of the Chapter Committee shall be an IEEE member of Member, Senior Member or Fellow grade and a member of the parent Society. Officers of a Joint Chapter must be a

- member of at least one parent Society. The Chapter Chair shall serve as Chair for all meetings of the Chapter, the Chapter Committee and the Chapter ExCom where such ExCom exists.
2. The Chapter Vice Chair shall assist the Chair in the coordination of all Chapter activities. At the request of the Chapter Chair or in the absence of the Chapter Chair, the Chapter Vice Chair shall chair meetings of the Chapter, Chapter Committee or Chapter ExCom.
 3. The duties of the Chapter Secretary shall include correspondence, the keeping of the minutes of the Committee meetings, mailing notices, and submission of meeting reports to the Parent Section Secretary or Secretary/Treasurer at the end of each year and such other duties as are assigned to him/her by the Chair.
 4. The duties of the Chapter Treasurer shall include the development of a Chapter budget for approval by the Section, accounting of all Chapter funds, keeping financial records, and submitting a financial record to the Section.
 5. All officers shall be elected annually. The term of office for all officers shall normally be one year, but may continue until a successor has been duly elected and take office. The term of office will date from 1 January through 31 December. The consecutive period of service in any one office shall not exceed two years. An individual may be re-elected to a position previously held provided at least one year has passed since he or she held that office.
 6. The names of the newly elected/appointed officers (voting and non-voting) of the Chapter shall be reported to IEEE Regional Activities Department, via the Section or Council Secretary, within 20 days following election/ appointment.

E. Chapter Nominating Committee

1. Section/Council Bylaws shall provide for appointment by the Chapter Chair of a Nominating Committee of three or more Chapter members not then officers of the Chapter. The Chapter Chair, in accordance with this Operations Manual shall appoint its Chair.
2. The duties of the Chapter Nominating Committee shall include the preparation of a slate of candidates recommended for the offices of Chapter Chair, and such other members of the Chapter elected at-large, in accordance with the Section/Council Bylaws, to be submitted for approval by the Chapter Committee.
3. Except as noted in IEEE Bylaws, the slate should include not less than two nor more than three candidates recommended for each office.
4. The Chapter Nominating Committee shall also be responsible for the annual solicitation within the Chapter of names of potential candidates to be considered for positions on Chapter committees according to the Section/Council Bylaws.

F. Chapter Election Process

1. Six months prior to the date of election, the Chapter Nominating Committee Chair shall issue a "Call for Nominations" for all positions elected at-large to all voting members of the Chapter through an appropriate medium.
2. Chapter members must submit nominations within one month of the "Call for Nominations".
3. The Chapter Nominating Committee must verify the candidates' eligibility and willingness to serve. The Chapter Nominating Committee shall also gather position statements and biographies of the potential candidates, as appropriate.
4. The Chapter Nominating Committee will select from all such submissions candidates for each position to be elected at large, and submit the slate of candidates to the Chapter Committee for ratification. The slate of candidates, at least two but not more than three candidates, shall be communicated to the voting members of the Chapter not less than six weeks prior to the election date. In addition, provision shall be made in the communication for petition candidates for these offices.
5. Petition candidates shall require the signatures of a minimum of one percent of the voting members of the Chapter, except in no case shall more than ten (10) signatures be required.
6. The entire slate of candidates for office shall be communicated to the voting members of the Chapter not less than two weeks prior to the election date.

7. The election process must be by secret ballot.
8. The Chair of the Chapter shall submit the names of up to three members of the Chapter to serve as a Tellers Committee, to the Chapter for approval. After the tally of votes, the Tellers Committee shall report the results of the election to the Chapter Chair. The Chapter Chair shall inform each candidate for office of the results of the election prior to announcing the results to the Chapter and the Section/Council.

G. Financial Management of Chapter Funds

Section/Councils shall be responsible for distributing funds to its Chapters in accordance with a stated set of objectives and a plan of distribution, which shall be in consonance with the missions of the IEEE, RAB and TAB.

1. Funds within the Chapter, from whatever source derived, are the property of the IEEE, and shall not be used for purposes other than the normal operations of the Chapter as defined in the IEEE Bylaws or published interpretation of policy, without prior authorization of RAB and TAB, unless otherwise provided.
2. Funds derived from member dues shall not be used for scholarships, fellowships and other education awards. The awards activities shall be supported by funds from activities all or in part specifically directed to such usage. Contributions may be accepted for such use and donorship should be encouraged by the use of tax-exempt mechanisms. All funds derived from whatever permitted source designated for these purposes shall be deposited in properly authorized separate accounts, foundations, or other approved depositories under agreement, direction, or control of the organizational unit, with adequate provisions for ensuring the proper use of the funds or proceeds there from. A properly executed agreement will include provisions for disposition of residual funds should any approved program be discontinued.
3. Chapters shall have the right to obligate their funds for all purposes necessary to promote their objectives, except that no Chapter or any officer or representative thereof shall have any authority to contract debts for, pledge the credit of, or in any way bind the IEEE for those activities specifically prohibited in the governing documents of the IEEE or published interpretation of policy.
4. The Chapter may serve nonmembers or groups wishing to receive meeting announcements and other Chapter publications.
5. Chapters may accept local voluntary financial contributions.
6. Chapters may establish appropriate bank accounts for accounting of Chapter funds.
 - a. Accounts established in the name of IEEE must be reserved for the purpose for which they are established, without co-mingling of funds.
 - b. Chapters may establish a reserve fund at least equal to one half of the total budgeted yearly expenditures.
 - c. All Geographic Unit accounts shall have signature cards with at least two volunteer signatures, one volunteer as the primary signatory and one additional volunteer as an alternate. In addition, all IEEE Geographic Units accounts must have the IEEE Staff Director, Financial Services as a signatory thereon (Policy 11.3.A.3). Exemptions must be requested as part of the Geographic Unit Annual Financial Report, and approved by the Region Director.
 - d. Chapters are encouraged to utilize the IEEE Concentration Banking Program as a depository for all IEEE funds, if possible.
 - e. All unit funds management must adhere to a fiscal year 1 January - 31 December.

H. Joint Chapter

A Joint Chapter comprising the members of more than one Society or contiguous Sections may be established by the procedures defined herein, provided, however, that the petition to establish a Joint Chapter shall contain at least twelve signatures and that each Society or Section involved shall be represented by at least three signatures.

I. Change of Joint Chapter Status

The status of a Chapter may be changed from single to joint, or vice versa, or from one joint combination to another, without submission of a petition. The change in status will become effective following approval of the request for change by the Regional Director(s), Society President(s), Section Executive Committee, and other organizational units involved.

J. Chapter Requirements for Membership and Meeting Activity

1. A Chapter shall be required to maintain a membership of not fewer than ten (10) members, other than Students, and to hold not less than two technical meetings per year, or to maintain a level of activity acceptable to the Regional Director and the Society President(s).
2. Meeting Activity
 - a. A Chapter or Joint Chapter shall schedule a technical meeting only if it has received the prior approval of the Executive Committee of the Section/Council within whose boundaries the meeting is to be held.
 - b. All Section/Council members shall be advised of all meetings held in the Section/Council, including those organized by Chapters. In addition, a special notice may be sent to the members of the Chapter that organizes a meeting.
 - c. A Chapter shall submit annually a meeting report and a roster of officers to the parent Section Secretary.
 - d. The Section shall receive meeting credit for Chapter activity.

K. Chapter Probation

1. Failure of a Chapter to meet the minimum required activities as described in 9.6.J for a period of one year shall result in the Chapter automatically being placed on probation, effective 1 January of the following year. A Chapter probation period shall last three consecutive years. The Chapter will not be eligible for Rebates until it comes into compliance with the minimum requirements.
2. Annual notice of delinquency will be given to all concerned.
3. A report of delinquent Chapters will be presented to RAB

L. Technical Chapter Dissolution

With the concurrence of the Section/Council Executive Committee, the Regional Director, and the Society President(s), a Chapter or Joint Chapter may be dissolved. A Chapter or Joint Chapter shall be dissolved automatically if it has failed to meet the requirements as stated in Section 9.6.C for three consecutive years and annual notice of the delinquency has been given to all concerned.

1. Such dissolution will be reported to RAB, and the Society President(s).
2. Any remaining funds and assets in the custody of the Chapter shall revert to the IEEE.

9.7 STUDENT BRANCHES

A. Definition

A Student Branch is a basic operating organizational unit of IEEE constituted by a minimum of twenty (20) IEEE Student members at a particular college, university or technical institute to represent and fulfill the needs of the members and the missions of IEEE.

Each Branch shall conduct its activities within the Constitution, IEEE Bylaws, and other rules externally imposed, which by law affect the membership, and activities of the IEEE.

B. Student Branch Formation

Based on the recommendation of the Regional Student Activities Chair a Student Branch formations may be approved by the appropriate Region Director and reported to RAB.

1. A petition signed by twenty (20) or more Student members and at least three IEEE members above Student grade who are faculty members teaching in IEEE designated fields shall be submitted to the Regional Director.
2. The Reference List of Educational Programs Questionnaire shall be completed and submitted to IEEE Student Services.
3. In certain instances, where there is assurance that formation of the Branch will stimulate additional membership, the Regional Director may approve the petition with fewer than twenty signatures.
4. The Section Executive Committee shall be informed of the establishment of a Student Branch, Joint Student Branch, and Section Student Branch.

C. Student Branch Counselor

At each Student Branch there shall be a Branch Counselor who shall be an IEEE member teaching in IEEE designated fields.

1. The appropriate Section Chair based upon the recommendation of the Student members of the Branch, and in accordance with the practices for the establishment of other student organizations at the educational institution involved, shall appoint the Counselor.
2. The appointment or reappointment shall normally be for two years.
3. Each Branch Counselor is charged with promoting the welfare of the IEEE at the institution, particularly in matters relating to Student activities.

D. Student Branch Constitution

Each IEEE Student Branch shall adopt and conform to a Student Branch Constitution with a copy submitted to IEEE Headquarters. The Branch Constitution shall provide for the management of the Branch affairs by an Executive Committee consisting of the elected officers and any other members as may be specified.

E. Student Branch Officers

1. Officers of the Branch shall be at least a Chair, a Vice Chair, a Secretary, and a Treasurer or a Secretary-Treasurer.
2. Each Student Branch Chapter Chair shall serve as an ex-officio member of the Branch Executive Committee.

F. Joint Student Branch

The IEEE, by action of RAB, may join with another engineering or technical society to cosponsor a Joint Student Branch upon the recommendation of the Region Student Activities Committee Chairs with the approval of the Regional Director.

1. The petition for the establishment of the Joint Branch must be signed by the IEEE Counselor, or a representative of the faculty (who must be an IEEE member) of the educational institution involved, in the event a Counselor has not been appointed, and by twenty or more Student members of the IEEE.
2. Each Joint Student Branch shall adopt and conform to a Joint Student Branch Constitution, which shall have been submitted to and approved by both RAB and the cosponsoring Society.

G. Section Student Branch

The normal organizational unit for the conduct of IEEE Student activities is the Student Branch associated with an educational institution. However, when circumstances do not permit the normal organizational arrangements within the boundary of a Section, RAB may authorize the formation of a Section Student Branch open for membership to those Student members, attending institutions

located within the Section having curricula, which would normally qualify for Student member status, who are not members of an IEEE Student Branch.

1. Such authorization shall be requested in a petition, signed by not less than twenty (20) such Student members, endorsed by the Section Executive Committee, and approved by the Regional Director.
2. Upon the establishment of the Section Student Branch, the Regional Director shall appoint a qualified Section Student Branch Advisor.
3. The Section Executive Committee shall be responsible for the organization and activities of the Section Student Branch, in accordance with the applicable provisions of the Student Branch Constitution.

H. Student Branch Reporting and Funds

IEEE Student Branches and Joint Student Branches shall have the right to obligate their funds for all purposes necessary to promote their objectives, except that no IEEE Student Branch, Joint Student Branch, or any officer or representative thereof, shall have any authority to contract debts for, pledge the credit of, or in any way bind the IEEE for those activities specifically prohibited in the Student Branch Constitution or in the Student Branch Operations Guide.

1. For maintenance of an IEEE Student Branch, IEEE Section Student Branch, or Joint Student Branch, upon timely receipt of an Annual Branch Activity Plan endorsed by the IEEE Counselor the IEEE shall issue to each such Branch, for one calendar year, fifty dollars (\$50.00) for Branches with fewer than fifty members and one-hundred dollars (\$100.00) for Branches with fifty or more members.
2. Allotments for Annual Branch Activity Plans submitted with an Annual Report and Financial Statement are payable by 1 September. All other allotments for Annual Branch Activity Plans are payable by 15 December.
3. Upon timely receipt of an Annual Report and Financial Statement, endorsed by the IEEE Counselor, the IEEE shall rebate to each such Branch, in good standing, \$2.00 per Student member of the Branch and an additional \$1.00 per Student Branch Chapter member based on membership count as of 31 December each year, this membership count to include those students who joined and upgraded during the calendar year. The rebate is payable by 1 September. In case of a Section Student Branch, these amounts shall be paid to the Section sponsoring the Branch.
4. Each IEEE Student Branch, IEEE Section Student Branch, and Joint Student Branch shall forward an Annual Report and Financial Statement by 1 May to the Manager of Student Services, the Region Student Activities Committee Chair, and the Section Secretary.
5. The next year's Annual Branch Activity Plan should be submitted with the Annual Report but no later than 1 November.

I. Student Branch Expenses

An IEEE Student Branch, IEEE Section Student Branch, or Joint Student Branch may defray expenses by assessment of its members as provided in its Constitution and, in addition, may accept non-compulsory financial contributions.

1. Nonmember students of the institution where a Student Branch is established may attend the Student Branch meetings under such conditions as may be prescribed by the Student Branch. Within the budgetary conditions established by the Board of Directors, partial reimbursement of actual and necessary expenses may be authorized by the Regional Director for the Counselor of each Student Branch, for the Advisor of each Section Student Branch, for the Student Branch Chair, and the Student paper first prize winner, if any, from any Branch to attend one meeting within his/her Region each year.

J. Student Branch Probation

1. Failure of an IEEE Student Branch or IEEE Section Student Branch to maintain a minimum of ten IEEE Student members and to hold at least three meetings each year shall place the Branch on probation.

- a. The Regional Director, the Region Student Activities Committee Chair, and the IEEE Student Branch Counselor (or in the event a Counselor has not been appointed, a representative of the faculty of the educational institution or other institute involved) shall be informed of the probation by the IEEE Managing Director, Regional Activities who shall also call to their attention the requirements for maintaining the Branch.
2. Failure of a Joint Student Branch to maintain a minimum of ten IEEE members and to hold at least three meetings each year shall be reported by the IEEE Managing Director, Regional Activities to RAB, and similar action as for delinquencies of IEEE Student Branches shall be taken following formal notification to the cosponsoring society.

K. Student Branch Dissolution

RAB may, after consultation with the Regional Director, dissolve an IEEE Student Branch or IEEE Section Student Branch or withdraw its sponsorship and support of a Joint Student Branch for any reason deemed sufficient. Any remaining funds in the custody of that Branch, or Joint Branch, attributable to IEEE sponsorship, shall revert to the IEEE.

1. If the probation (see 9.7.J above) continues for a second year, the IEEE sponsorship shall be withdrawn automatically, and the Branch shall be dissolved. This action will be ratified by RAB.
2. The RAB Vice Chair – Student Activities or the IEEE Managing Director, Regional Activities shall report Branch dissolutions to RAB and notification will be sent to the Regional Student Activities Committee Chair, the Section Chair and the IEEE Counselor of the dissolved Branch.

9.8 STUDENT BRANCH CHAPTERS

A. Definition

A Student Branch Chapter is a technical sub-unit of a Student Branch constituted by a minimum of twelve (12) Student members of a Society and established by petition to the parent Student Branch and Society concerned to represent and fulfill the needs of the members and the missions of IEEE. A Student Branch Chapter functions in a manner similar to a committee of the Student Branch.

B. Student Branch Chapter Establishment

1. A petition to establish a Student Branch Chapter, in the required form supplied by IEEE, must contain at least:
 - a. Name of Student Branch, signatures of its Student Branch officers, and signature of the Counselor.
 - b. Name of the sponsoring Society.
 - c. The signatures of at least twelve (12) Students who are members of the Student Branch and of the Society involved, the signature of the Faculty Advisor of the Student Branch Chapter selected by the petitioning Students, who shall be a member of the Society, the name of one Student petitioner who will serve as Interim Chair until establishment of the Student Branch Chapter is authorized.
2. The petition for the Student Branch Chapter shall be submitted to the Manager of Student Services at the IEEE Operations Center.
3. The Region Student Activities Committee Chair, the Regional Director, and the Society President shall consider the Student Branch Chapter established following approval of the petition.

C. Student Branch Chapter Membership

The Student Branch Chapter membership shall elect a Student Branch Chapter Chair and any other officers deemed necessary for its successful operation in accordance with the Branch Constitution.

D. Student Branch Chapter Management

The responsibility for Student Branch Chapter management rests with the Executive Committee of the Branch. The Student Branch Chapter Chair shall serve as an ex-officio member of the Branch Executive Committee in coordinating and planning activities and programs.

1. All Student Branch members shall be advised of all meetings held under the auspices of the Branch including those organized by a Student Branch Chapter.

E. Student Branch Chapter Requirements for Membership, Meetings and Activity

A Student Branch Chapter is required to maintain a membership of not fewer than ten (10) Student members, and to hold not less than two technical meetings per year, and maintain a level of activity acceptable to the Society President, the Regional Director, and the Region Student Activities Committee Chair.

F. Student Branch Chapter Dissolution

RAB may, after consultation with the Regional Director and the IEEE Society President, dissolve an IEEE Student Branch Chapter or withdraw its sponsorship and support of a Joint Student Branch Chapter for any reason deemed sufficient. RAB, with the concurrence of the Advisor, the Society President, the Regional Director, and the Region Student Activities Committee Chair, a Student Branch Chapter may be dissolved. All Student Branch Chapter dissolutions will be reported to and ratified by RAB.

9.9 AFFINITY GROUPS

A. Definition

Affinity Group is defined in IEEE Bylaw I-402.9; an Affinity Group shall be a local unit of an IEEE organizational unit or standing committee established by petition to the parent organizational unit to fulfill the purposes of the IEEE. "Parent organizational unit" as used in this manual refers to an organizational unit or standing committee.

The following groups have been acknowledged by RAB as parent organizational units as defined above and described in their charters: Graduates of the Last Decade, Women in Engineering and Consultants Network. No parent organizational unit shall be formed when the topic matter is within the domain of a technical group, as determined by the Societies' field of interest.

1. An Affinity Group functions in a manner similar to that of a committee of the Section/Council.
2. Any group wishing to be recognized as a parent organizational unit that may establish Affinity Groups as defined in I-402.9 shall do so by petition to RAB. This petition is to supply the organizational unit's charter, which shall address at least the following: role and responsibilities, organization structure, the manner in which the organizational unit is governed in the IEEE organization, and its funding method. It is expected that the need and sustainability of Affinity Groups related to this organizational unit shall have been substantiated by prior Section/Council-level committee and/or pilot experiences. A report of these experiences should accompany the petition.

B. Affinity Group Formation

1. A petition to establish an Affinity Group shall contain the following:
 - a. Name of the Section or Sections of Council.
 - b. Name of the parent organizational unit.
 - c. Name of the organizer (who becomes interim Chair pending election of a regular Chair at a later organization meeting).
 - d. Signatures of at least six (6) IEEE members, who are members of the Section(s) or Council involved, and who indicate they will join the Affinity Group, if established.
2. The petition for an Affinity Group shall be submitted to the Section/Council Executive Committee for written approval and forwarded with this written approval to the IEEE

Managing Director, Regional Activities.

3. The IEEE Managing Director, Regional Activities shall forward a copy of the petition to the IEEE parent organizational unit for approval.
4. The Affinity Group shall be considered established after the IEEE Managing Director, Regional Activities has ascertained that the Regional Director and IEEE parent organizational unit have no objection to its formation. The RAB/TAB Section/Chapter Support Committee Chair presents recommendation for approval of Affinity Group formation to RAB.
5. The IEEE Managing Director, Regional Activities shall so notify RAB, the IEEE parent organizational unit, and the Section Chair on behalf of the IEEE Executive Director.
6. An Affinity Group or Joint Affinity Group may be established by the procedures defined herein to cover the territory of two or more contiguous Sections, or a Council, provided the necessary approval is obtained by all concerned. The petition shall identify the Section assuming responsibility for the Affinity Group management. That Sections shall receive the Affinity Group member and Affiliate allowances and rebates for the Affinity Group meetings.

C. Affinity Group Management

1. Responsibility for Affinity Group management shall rest with the Section/Council, which shall have control of all financial and other assets of the Affinity Group in carrying out its activities.
2. Reasonable efforts should be made to notify all members of Affinity Group meetings. Methods of communication could be hard copy distributions, email distributions in keeping with IEEE email policies, and Affinity Group web site updates. Not less than once a year a hard copy mailing should be sent to the active Affinity Group membership including at least the following information: how to subscribe to the Affinity Group email list, the URL for the Affinity Group's web page, and how members may update their contact information in the IEEE master database.

D. Affinity Group Officers

Officers of the Affinity Group as defined in the Section/Council Bylaws shall be at least a Chair, a Vice Chair, a Secretary, and a Treasurer. The Affinity Group may combine the offices of Secretary and Treasurer.

1. Each member of the Affinity Group Committee shall be an IEEE member of Member, Senior Member or Fellow grade.
2. The Affinity Group Chair shall serve as Chair for all meetings of the Affinity Group and the Affinity Group Committee.
3. The Affinity Group Vice Chair shall assist the Chair in the coordination of all Affinity Group activities. At the request of the Affinity Group Chair or in the absence of the Affinity Group Chair, the Affinity Group Vice Chair shall chair meetings of the Affinity Group and the Affinity Group Committee.
4. The duties of the Affinity Group Secretary shall include correspondence, the keeping of the minutes of the Committee meetings, mailing notices, and submission of meeting reports and roster of members and officers to the Section/Council at the end of each year and such other duties as are assigned to him/her by the Chair.
5. The duties of the Affinity Group Treasurer shall include the development of an Affinity Group budget for approval by the Section/Council, accounting of all Affinity Group funds, keeping financial records, and submitting a financial record to the Section/Council.
6. The term of office for all officers shall normally be one year, but may continue until a successor has been duly elected and take office. The term of office will date from 1 January through 31 December. The consecutive period of service in any one office shall not exceed two years. There shall be no extensions beyond this two-year term.
7. The names of the newly elected/appointed officers voting and non-voting of the Affinity Group shall be reported by the Affinity Group Chair to IEEE Regional Activities Department within 20

days following election/ appointment.

E. Affinity Group Nominating Committee

1. Section/Council Bylaws shall provide for appointment by the Affinity Group Chair of a Nominating Committee of three or more Affinity Group members not then officers of the Affinity Group. The Affinity Group Chair, in accordance with this Operations Manual shall appoint its Chair.
2. The duties of the Affinity Group Nominating Committee shall include the preparation of a slate of candidates recommended for the offices of Affinity Group Chair, and such other members of the Affinity Group elected at-large, in accordance with the Section/Council Bylaws, to be submitted for approval by the Group Committee.
3. The approved slate shall include not less than two nor more than three candidates recommended for each office.
4. The Affinity Group Nominating Committee shall also be responsible for the annual solicitation within the Affinity Group of names of potential candidates to be considered for positions on Affinity Group committees according to the Section/Council Bylaws.

F. Group Election Process

1. Six months prior to the date of election, the Affinity Group Nominating Committee Chair shall issue a "Call for Nominations" for all positions elected at-large to all voting members of the Affinity Group through an appropriate medium.
2. Affinity Group members shall submit nominations within one month of the "Call for Nominations".
3. The Affinity Group Nominating Committee shall verify the candidates' eligibility and willingness to serve. The Affinity Group Nominating Committee shall also gather position statements and biographies of the potential candidates, as appropriate.
4. The Affinity Group Nominating Committee will select from all such submissions candidates for each position elected at large, and submit the slate of candidates to the Affinity Group Committee for ratification.
5. The ratified slate of candidates, at least two but not more than three, shall be communicated to the voting members of the Affinity Group not less than six weeks prior to the election date. In addition, provision shall be made in the communication for petition candidates for these offices.
6. Petition candidates shall require the signatures of a minimum of one percent of the voting members of the Affinity Group, except in no case shall more than 10 signatures are required.
7. The entire slate of candidates for office shall be communicated to the voting members of the Affinity Group not less than two weeks prior to the election date.
8. The election process shall be by secret ballot.
9. The Chair of the Affinity Group shall submit the names of up to three members of the Affinity Group to serve as a Tellers Committee, to the Affinity Group for approval. After the tally of votes, the Tellers Committee shall report the results of the election to the Affinity Group Chair. The Affinity Group Chair shall inform each candidate for office of the results of the election prior to announcing the results to the Affinity Group and the Section/Council.

G. Financial Management of Affinity Group Funds

Section/Councils shall be responsible for distributing funds to its Affinity Groups in accordance with a stated set of objectives and a plan of distribution, which shall be in consonance with the missions of the IEEE, RAB and the parent organizational unit.

1. Funds within the Affinity Groups, from whatever source derived, are the property of the IEEE, and shall not be used for purposes other than the normal operations of the Affinity Group as defined in the IEEE/RAB Bylaws or published interpretation of policy, without prior authorization of RAB, unless otherwise provided.

2. Funds derived from member dues shall not be used for scholarships, fellowships and other education awards. The awards activities shall be supported by funds from activities all or in part specifically directed to such usage. Contributions may be accepted for such use and donations should be encouraged by the use of tax-exempt mechanisms.
3. All funds derived from whatever permitted source designated for these purposes shall be deposited in properly authorized separate accounts, foundations, or other approved depositories under agreement, direction, or control of the organizational unit, with adequate provisions for ensuring the proper use of the funds or proceeds there from. A properly executed agreement will include provisions for disposition of residual funds should any approved program be discontinued.
4. Affinity Groups shall have the right to obligate their funds for all purposes necessary to promote their objectives, except that no Affinity Group or any officer or representative thereof shall have any authority to contract debts for, pledge the credit of, or in any way bind the IEEE for those activities specifically prohibited in the governing documents of the IEEE or published interpretation of policy.
5. The Affinity Groups may serve nonmembers or groups wishing to receive meeting announcements and other Affinity Group publications.

6. Affinity Groups may accept local voluntary financial contributions.
7. All unit funds management must adhere to a fiscal year 1 January - 31 December.
8. Affinity Groups may establish appropriate bank accounts for accounting of funds.
 - a. Accounts established in the name of IEEE must be reserved for the purpose for which they are established, without co-mingling of funds.
 - b. They establish a reserve fund at least equal to one half of the total budgeted yearly expenditures.
 - c. All accounts shall have signature cards with at least two volunteer signatures, one volunteer as the primary signatory and one additional volunteer as an alternate. In addition, all IEEE Geographic Units accounts must have the IEEE Staff Director, Financial Services as a signatory thereon (Policy 11.3.A.3) Exemptions must be requested as part of the Geographic Unit Annual Financial Report, and approved by the Region Director
 - d. All affinity groups are encouraged to utilize the IEEE Concentration Banking Program as a depository for all IEEE funds, if possible.

H. Joint Affinity Group

A Joint Group comprising the members of more than one parent organizational unit may be established by the procedures defined herein, provided, however, that the petition to establish a Joint Group shall contain at least six (6) signatures and that each parent organizational unit involved shall be represented by at least three signatures.

I. Change of Joint Affinity Group Status

The status of an Affinity Group may be changed from single to joint, or vice versa or from one joint combination to another, without submission of a petition. The change in status will become effective following approval of the request for change by the Regional Director(s), affinity group chair, Section/Council Executive Committee, and other organizational units involved.

J. Affinity Group Requirements for Membership and Meeting Activity

1. An Affinity Group shall be required to maintain a membership of not fewer than six (6) members, and to hold not less than two group-interest meetings per year, or to maintain a level of activity acceptable to the Section/Council Chair and Region Director.
2. Meeting Activity
 - a. An Affinity Group or Joint Affinity Group shall schedule a group interest meeting only if it has received the prior approval of the Executive Committee of the Section/Council within whose boundaries the meeting is to be held.
 - b. All Section/Council members shall be advised of all meetings held in the Section/Council, including those organized by Affinity Groups. In addition, a special notice may be sent to the members of the Affinity Group that organizes a meeting.
 - c. An Affinity Group shall submit annual a meeting report, a roster of officers, and a roster of members, to the Section/Council Secretary.
 - d. The Section shall receive credit for Affinity Group activity.

K. Affinity Group Probation

Failure of a Affinity Group to meet the minimum required activities as described in 9.9.F for a period of one year shall result in the Affinity Group automatically being placed on probation, effective 1 January of the following year. An Affinity Group probation period shall last three consecutive years. The Affinity Group will not be eligible for Rebates until it comes into compliance with the minimum requirements.

1. Annual notice of delinquency will be given to all concerned.
2. A report of delinquent Affinity Groups will be presented to RAB.

L. Affinity Group Dissolution

With the concurrence of the Section/Council Executive Committee, the Regional Director, and the parent organizational unit(ies), an Affinity Group or Joint Affinity Group may be dissolved.

1. If the probation of an Affinity Group (see 9.9.G) continues for a third year, and in the absence of plans to reactivate the Affinity Group acceptable to the Regional Director and RAB, the Affinity Group shall be automatically dissolved.

9.10 STUDENT BRANCH AFFINITY GROUPS

An Affinity Group, as a unit of an IEEE Student Branch, is permitted. The administration of such Affinity Groups shall follow the process for Student Branch Chapters, Section 9.8. Signatures of at least six (6) IEEE Student members are required to establish a Student Branch Affinity Group. Each Student Branch Affinity Group shall have an advisor who shall be:

- a) A faculty member of IEEE grade higher than the student, not necessarily a Women in Engineering (WIE) member but with a strong commitment for WIE goals,
or;
- b) A WIE member of the Section.



Honors Ceremony Program

Saturday, 19 June 2004

Kansas City Marriott Downtown

Kansas City, Missouri, USA

Welcoming Remarks

IEEE President Arthur W. Winston, Master of Ceremonies

Introductions

IEEE President Arthur W. Winston, Master of Ceremonies

IEEE President-Elect W. Cleon Anderson

Recognition of Newly-Elected IEEE Fellows

Presentation of IEEE Medals, Awards and Recognitions

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Barbara H. Liskov

Mildred Dresselhaus

IEEE Medal of Honor

Tadahiro Sekimoto

Closing Remarks

Reception

The IEEE extends a special thank you to Cornell University for its contribution to this evening's event.

2012-05-066_0056

CORNELL

IEEE 7/26/04
Exhibit B-1

IEEE Std 802.11b-1999
(Supplement to
ANSI/IEEE Std 802.11, 1999 Edition)

**Supplement to IEEE Standard for
Information technology—
Telecommunications and Information exchange
between systems—
Local and metropolitan area networks—
Specific requirements—**

**Part 11: Wireless LAN Medium Access Control
(MAC) and Physical Layer (PHY) specifications:**

**Higher-Speed Physical Layer Extension in the
2.4 GHz Band**

Sponsor
**LAN/MAN Standards Committee
of the
IEEE Computer Society**

Approved 16 September 1999
IEEE-SA Standards Board

Abstract: Changes and additions to IEEE Std 802.11, 1999 Edition are provided to support the higher rate physical layer (PHY) for operation in the 2.4 GHz band.

Keywords: 2.4 GHz, high speed, local area network (LAN), radio frequency (RF), wireless

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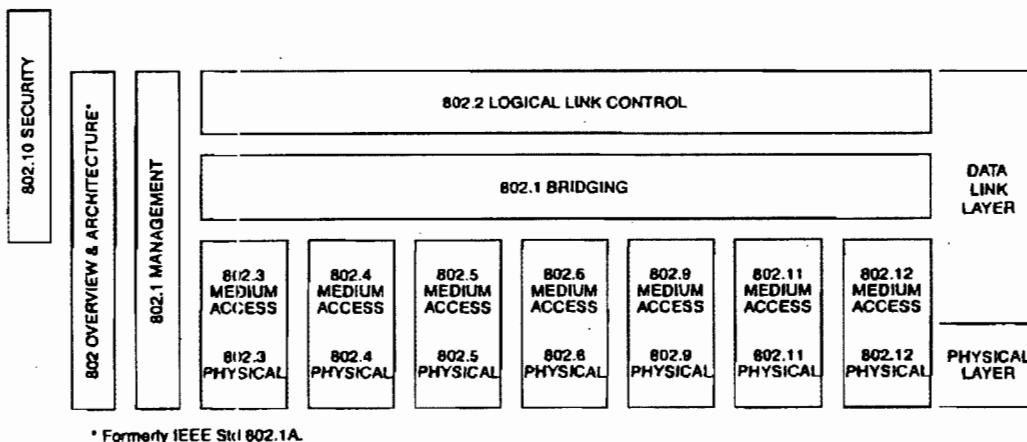
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Introduction

[This introduction is not part of IEEE Std 802.11b-1999, Supplement to IEEE Standard for Information technology—Telecommunications and information exchange between systems—Local and metropolitan area networks—Specific requirements—Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) specifications: Higher-Speed Physical Layer Extension in the 2.4 GHz Band.]

This standard is part of a family of standards for local and metropolitan area networks. The relationship between the standard and other members of the family is shown below. (The numbers in the figure refer to IEEE standard numbers.)



This family of standards deals with the Physical and Data Link layers as defined by the International Organization for Standardization (ISO) Open Systems Interconnection (OSI) Basic Reference Model (ISO/IEC 7498-1:1994). The access standards define seven types of medium access technologies and associated physical media, each appropriate for particular applications or system objectives. Other types are under investigation.

The standards defining the access technologies are as follows:

- IEEE Std 802 *Overview and Architecture.* This standard provides an overview to the family of IEEE 802 Standards.
- ANSI/IEEE Std 802.1B and 802.1k [ISO/IEC 15802-2] *LAN/MAN Management.* Defines an OSI management-compatible architecture, and services and protocol elements for use in a LAN/MAN environment for performing remote management.
- ANSI/IEEE Std 802.1D [ISO/IEC 15802-3] *Media Access Control (MAC) Bridges.* Specifies an architecture and protocol for the interconnection of IEEE 802 LANs below the MAC service boundary.
- ANSI/IEEE Std 802.1E [ISO/IEC 15802-4] *System Load Protocol.* Specifies a set of services and protocol for those aspects of management concerned with the loading of systems on IEEE 802 LANs.
- IEEE Std 802.1F *Common Definitions and Procedures for IEEE 802 Management Information*
- ANSI/IEEE Std 802.1G [ISO/IEC 15802-5] *Remote Media Access Control Bridging.* Specifies extensions for the interconnection, using non-LAN communication technologies, of geographically separated IEEE 802 LANs below the level of the logical link control protocol.

- ANSI/IEEE Std 802.2 [ISO/IEC 8802-2] *Logical Link Control*
- ANSI/IEEE Std 802.3 [ISO/IEC 8802-3] *CSMA/CD Access Method and Physical Layer Specifications*
- ANSI/IEEE Std 802.4 [ISO/IEC 8802-4] *Token Passing Bus Access Method and Physical Layer Specifications*
- ANSI/IEEE Std 802.5 [ISO/IEC 8802-5] *Token Ring Access Method and Physical Layer Specifications*
- ANSI/IEEE Std 802.6 [ISO/IEC 8802-6] *Distributed Queue Dual Bus Access Method and Physical Layer Specifications*
- ANSI/IEEE Std 802.9 [ISO/IEC 8802-9] *Integrated Services (IS) LAN Interface at the Medium Access Control and Physical Layers*
- ANSI/IEEE Std 802.10 *Interoperable LAN/MAN Security*
- IEEE Std 802.11 [ISO/IEC DIS 8802-11] *Wireless LAN Medium Access Control and Physical Layer Specifications*
- ANSI/IEEE Std 802.12 [ISO/IEC DIS 8802-12] *Demand Priority Access Method, Physical Layer and Repeater Specifications*

In addition to the family of standards, the following is a recommended practice for a common Physical Layer technology:

- IEEE Std 802.7 *IEEE Recommended Practice for Broadband Local Area Networks*

The following additional working groups have authorized standards projects under development:

- IEEE 802.14 *Standard Protocol for Cable-TV Based Broadband Communication Network*
- IEEE 802.15 *Wireless Personal Area Networks Access Method and Physical Layer Specifications*
- IEEE 802.16 *Broadband Wireless Access Method and Physical Layer Specifications*

Participants

At the time this standard was balloted, the 802.11 Working Group had the following membership:

Vic Hayes, Chair
Stuart J. Kerry, Vice Chair
Al Petrick, Co-Vice Chair
George Fishel, Secretary

Robert O'Hara, Chair and editor, 802.11-rev
Allen Heberling, State-diagram editor
Michael A. Fischer, State-diagram editor
Dean M. Kawaguchi, Chair PHY group
David Bagby, Chair MAC group

Naftali Chayat, Chair Task Group a
Hitoshi Takanashi, Technical Editor, 802.11a

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**Supplement to IEEE Standard for
Information technology—
Telecommunications and information exchange
between systems—
Local and metropolitan area networks—
Specific requirements—**

**Part 11: Wireless LAN Medium Access
Control (MAC) and Physical Layer
(PHY) specifications:**

**Higher-Speed Physical Layer
Extension in the 2.4 GHz Band**

[This supplement is based on IEEE Std 802.11, 1999 Edition.]

EDITORIAL NOTE—The editing instructions contained in this supplement define how to merge the material contained herein into the existing base standard to form the new comprehensive standard, as created by the addition of IEEE Std 802.11b-1999.

The editing instructions are shown in *bold italic*. Three editing instructions are used: change, delete, and insert. *Change* is used to make small corrections in existing text or tables. This editing instruction specifies the location of the change and describes what is being changed either by using ~~striketrough~~ (to remove old material) or underscore (to add new material). *Delete* removes existing material. *Insert* adds new material without disturbing the existing material. Insertions may require renumbering. If so, renumbering instructions are given in the editing instructions. Editorial notes will not be carried over into future editions.

3.8 Basic service set (BSS) basic rate set

Change the text in this subclause as shown:

The set of data transfer rates that all the stations in a BSS will be capable of using to receive and transmit frames ~~to/from~~ the wireless medium (WM). The BSS basic rate set data rates are preset for all stations in the BSS.

7.2.3.9 Probe Response frame format

Change Notes 1 and 2 of Table 12 as shown:

Table 12—Probe Response frame body

Order	Information	Note
1	Timestamp	—
2	Beacon interval	—
3	Capability Information	—
4	SSID	—
5	Supported Rates	—
6	FH Parameter Set	1
7	DS Parameter Set	2
8	CF Parameter Set	3
9	IBSS Parameter Set	4

NOTES:

1—The FH Parameter Set information element is only present within Probe Response frames generated by STAs using frequency-hopping PHYs.

2—The DS Parameter Set information element is only present within Probe Response frames generated by STAs using direct sequence PHYs.

3—The CF Parameter Set information element is only present within Probe Response frames generated by APs supporting a PCF.

4—The IBSS Parameter Set information element is only present within Probe Response frames generated by STAs in an IBSS.

7.3.1.4 Capability Information field

Change the text in 7.3.1.4 and Figure 27 as shown:

The Capability Information field contains a number of subfields that are used to indicate requested or advertised capabilities.

The length of the Capability Information field is 2 octets. The Capability Information field consists of the following subfields: ESS, IBSS, CF-Pollable, CF-Poll Request, ~~and Privacy~~, Short Preamble, PBCC, and Channel Agility. The format of the Capability Information field is as illustrated in Figure 27.

802.11gTM

IEEE Std 802.11gTM-2003
(Amendment to IEEE Std 802.11TM, 1999 Edition (Reaff 2003)
as amended by
IEEE Stds 802.11aTM-1999, 802.11bTM-1999,
802.11bTM-1999/Cor 1-2001, and 802.11dTM-2001)

IEEE Standard for
Information technology—

Telecommunications and information
exchange between systems—

Local and metropolitan area networks—

Specific requirements

Part 11: Wireless LAN Medium Access Control
(MAC) and Physical Layer (PHY) specifications

Amendment 4: Further Higher Data Rate Extension
in the 2.4 GHz Band

IEEE Computer Society

Sponsored by the
LAN/MAN Standards Committee

This amendment is an approved IEEE
Standard. It will be incorporated into the
base standard in a future edition.



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**IEEE Standard for
Information technology—
Telecommunications and information exchange
between systems—
Local and metropolitan area networks—
Specific requirements**

Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) specifications

Amendment 4: Further Higher Data Rate Extension in the 2.4 GHz Band

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**LAN/MAN Standards Committee
of the
IEEE Computer Society**

Approved 12 June 2003

IEEE-SA Standards Board

Abstract: Changes and additions to IEEE Std 802.11, 1999 Edition, as amended by IEEE Stds 802.11a-1999, 802.11b-1999, 802.11b-1999/Cor 1-2001, and 802.11d-2001, are provided to support the further higher data rate extension for operation in the 2.4 GHz band.

Keywords: LAN, local area network, radio frequency, wireless

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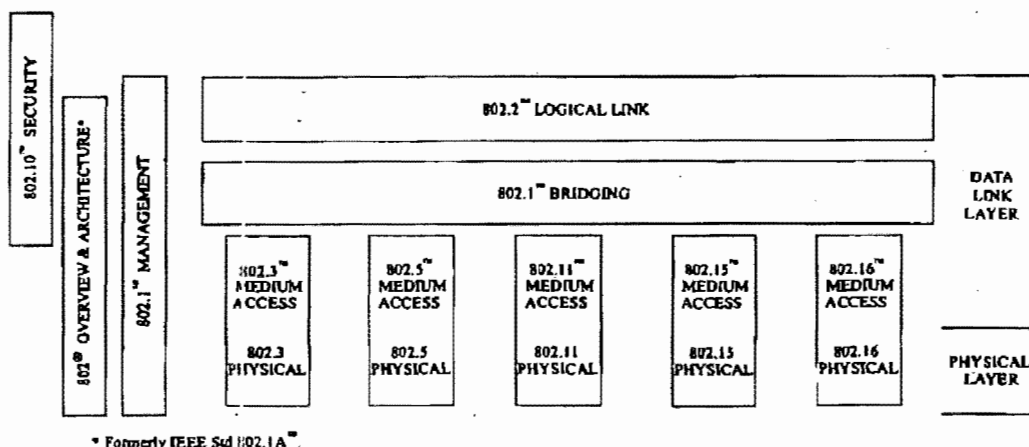
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Introduction

This introduction is not part of IEEE Std 802.11g-2003 (Amendment to IEEE Std 802.11, 1999 Edition, as amended by IEEE Sds 802.11a-1999, 802.11b-1999, 802.11b-1999/Cor 1-2001, and 802.11d-2001). IEEE Standard for Information Technology—Telecommunications and Information Exchange between Systems—Local and Metropolitan Area Networks—Specific Requirements—Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) specifications—Amendment 4: Further Higher Data Rate Extension in the 2.4 GHz Band.

This amendment is part of a family of standards for local and metropolitan area networks. The relationship between the standard and other members of the family is shown below. (The numbers in the figure refer to IEEE standard designations.¹)



This family of standards deals with the Physical and Data Link layers as defined by the International Organization for Standardization (ISO) Open Systems Interconnection (OSI) Basic Reference Model (ISO/IEC 7498-1: 1994). The access standards define five types of medium access technologies and associated physical media, each appropriate for particular applications or system objectives. Some access standards have been withdrawn and other types are under investigation.

The standards defining the technologies noted above are as follows:

- IEEE Std 802:² *Overview and Architecture.* This standard provides an overview to the family of IEEE 802 Standards.
- IEEE Std 802.1B™ and 802.1k™ [ISO/IEC 15802-2] *LAN/MAN Management.* Defines an OSI management-compatible architecture and services and protocol elements for use in a LAN/MAN environment for performing remote management.
- IEEE Std 802.1D™ *Media Access Control (MAC) Bridges.* Specifies an architecture and protocol for the interconnection of IEEE 802 LANs below the MAC service boundary.

¹The IEEE standard designations referred to in the above figure and list are trademarks owned by the Institute of Electrical and Electronics Engineers, Incorporated.

²The IEEE 802 Overview and Architecture Specification, originally known as IEEE Std 802.1A, has been renumbered as IEEE Std 802. This has been done to accommodate recognition of the base standard in a family of standards. References to IEEE Std 802.1A should be considered as references to IEEE Std 802.

- IEEE Std 802.1E™
[ISO/IEC 15802-4] *System Load Protocol.* Specifies a set of services and protocol for those aspects those aspects of management concerned with the loading of systems on IEEE 802 LANs.
- IEEE Std 802.1F™ *Common Definitions and Procedures for IEEE 802 Management Information.*
- IEEE Std 802.1G™
[ISO/IEC 15802-5]: *Remote Media Access Control (MAC) Bridging.* Specifies extensions for the interconnection, using non-LAN systems communication technologies, of geographically separated IEEE 802 LANs below the level of the logical link control protocol.
- IEEE Std 802.1H™
[ISO/IEC TR 11802-5] *Recommended Practice for Media Access Control (MAC) Bridging of Ethernet V2.0 in IEEE 802 Local Area Networks.*
- IEEE Std 802.1Q™ *Virtual Bridged Local Area Networks.* Defines an architecture for Virtual Bridged LANs, the services provided in Virtual Bridged LANs, and the protocols and algorithms involved in the provision of those services.
- IEEE Std 802.2
[ISO/IEC 8802-2] *Logical Link Control.*
- IEEE Std 802.3 *CSMA/CD Access Method and Physical Layer Specifications.*
- IEEE Std 802.5
[ISO/IEC 8802-5] *Token Ring Access Method and Physical Layer Specifications.*
- IEEE Std 802.10 *Standard for Interoperable LAN Security (SILS).* Currently approved: Secure Data Exchange (SDE).
- IEEE Std 802.11
[ISO/IEC 8802-11] *Wireless LAN Medium Access Control (MAC) Sublayer and Physical Layer Specifications.*
- IEEE Std 802.15 *Wireless Medium Access Control (MAC) and Physical Layer (PHY) Specifications for: Wireless Personal Area Networks.*
- IEEE Std 802.16 *Air Interface for Fixed Broadband Wireless Access Systems.*

The reader of this standard is urged to become familiar with the complete family of standards.

Participants

When the IEEE 802.11 Working Group approved this standard, it had the following membership:

Stuart J. Kerry, Chair
Al Petrick and Harry Worstell, Vice-Chairs
Tim Godfrey, Secretary
Brian Mathews, Publicity Standing Committee
Tiek-Kheong Tan, Wireless Next-Generation Standing Committee

John Fakatselis, Chair Task Group e
Duncan Klitchin, Vice-Chair Task Group e
David Bagby, Chair Task Group f
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David Halasz, Chair Task Group i

When the IEEE 802.11 Working Group approved this standard, the Task Group G had the following membership:

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Eladio Arvelo	Gerald Heller	Sebastien Perrot
David Bagby	Srinivas Kandala	Ian Perryman
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Tim Godfrey	Timothy O'Farrell	Jung Yee
Rajugopal Gubbi	Bob O'Hara	Oren Yuen
Qiang Guo		Arnoud Zwemmer

When the IEEE-SA Standards Board approved this standard on 12 June 2003, it had the following membership:

Don Wright, Chair
Howard M. Frazier, Vice Chair
Judith Gorman, Secretary

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Joe Bruder	Laura Hitchcock	William J. Moylan
Bob Davis	Richard H. Hulett	Paul Nikolich
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Toshio Fukuda	Joseph L. Koepfinger*	Geoffrey O. Thompson
Arnold M. Greenspan	Tom McGean	Doug Topping
Raymond Hapeman	Steve Mills	Howard L. Wolfman

*Member Emeritus

Also included are the following nonvoting IEEE-SA Standards Board liaisons:

Alan Cookson, NIST Representative
Satish K. Aggarwal, NRC Representative

Michelle Turner
IEEE Standards Project Editor

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February 13, 1970

AIRMAIL

Professor (b) (6), (b) (7)(C)
Arya-Mehr
University of Technology
P. O. Box 3406
Tehran, Iran

Dear Professor (b) (6), (b) (7)(C):

(b) (6), (b) (7)(C), Director of IEEE Region 8, has forwarded to me your letter of December 31, 1969 with the petition requesting approval to establish an IRAN Section, with the territory of the new Section to encompass the entire country of Iran in Asia.

We are very pleased to advise you that, following approval by the entities involved, this new Section has been formally established on February 12, 1970.

To assist you in planning an organizational meeting for the election of officers, we are scheduling preparation of a set of envelopes addressed to all members residing in Iran for airmail shipment to you on February 27. As soon as the names of the Section officers are known, we will appreciate being advised so that this information can be recorded in Headquarters.

*mailed
2/27/70*
We are forwarding separately a Section Manual and a small supply of stationery. When Section officers are elected and the names announced to IEEE, additional supplies will be forwarded.

*2-13-70
OK*
We want to assist you in any way we can in your efforts to get this new Section organized and hope you will let us know how we can help in this regard.

Sincerely,

(b) (6), (b) (7)(C) Manager
Membership Services

(b) (6)
cc: (b) (6), (b) (7)(C)

2012-05-066_0078

IEEE 7/26/04
Exhibit F



FAX COVER SHEET

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DATE:	June 7, 2006	TOTAL # OF PAGES:	(INCLUDING THIS COVER SHEET)
TO:	(b) (6)	FAX #:	202-622-0447
FIRM NAME:	Office of Foreign Assets Control	PHONE #:	(b) (6)
FROM:	(b) (6), (b) (7)(C)	FAX #:	(206) 903-8820
PHONE #:		EMAIL:	(b) (6), (b) (7)(C)

Re: IA-8039 -- THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, INC.

Dear (b) (6)

I am writing again to ask if OFAC has reached any decision with regard to our client The Institute of Electrical and Electronic Engineers, Inc. ("IEEE") and its request to confirm it would be permissible to reimburse an Iranian student for his actual, out-of-pocket travel expenses to attend an IEEE Computer Society conference in Korea to receive a prize for an award-winning paper. The student went to this conference in Korea in May 2005. We wrote to OFAC in December 2005 to seek clarification of a May 9, 2005 OFAC ruling that dealt with prizes and awards, and it seemed to us that the small payment in question was covered by the May 9, 2005 ruling. The sum in question is only US\$1,000.

You were kind enough to call my office on May 3 to leave a voicemail telling me that an OFAC decision was imminent, but it has now been another month and, indeed, seven months since we asked our question to OFAC and more than a year since the student in question expended his own funds to travel to Korea to present his paper and receive his award. We would therefore like to clear this matter for IEEE and enable it to finish this process with the student.

I attach to this fax a copy of our December 12, 2005 letter to OFAC as a convenience to you. We look forward to your earliest possible response on behalf of OFAC. Thank you.

(b) (6), (b) (7)(C)

ORIGINAL WILL BE SENT VIA: ☐ MAIL ☐ E-MAIL ☐ MESSENGER ☐ AIR COURIER ☒ WILL NOT BE SENT

PLEASE CONTACT LAUREN K. ULVESTAD AT (206) 903-2394 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

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2012-05-066_0079

USA CANADA EUROPE ASIA

(b) (6), (b) (7)(C)

December 12, 2005

VIA FEDERAL EXPRESS

(b) (6), (b) (7)(C)

Chief, Licensing Division
Office of Foreign Assets Control, U.S.
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

Re: Request for OFAC Approval of fund transfer to Iran

Dear Mr. [REDACTED]

On May 9, 2005, OFAC sent me a letter ("May 9 OFAC Letter") (attached as Exhibit A) to reply to a number of questions raised by our law firm on behalf of our client, The Institute of Electrical and Electronics Engineers, Inc. (IEEE), a large non-profit society of engineers. We now have a specific situation involving IEEE and an engineering student in Iran for which we request OFAC's confirmation of a portion of the May 9 OFAC Letter in regard to travel reimbursements.

One key operating unit of IEEE is the IEEE Communications Society (ComSoc). Its website is at: www.comsoc.org. The official mission statement for ComSoc states that it:

promotes the advancement of science, technology and applications in communications and related disciplines. It fosters presentation and exchange of information among its members and the technical community throughout the world. The Society maintains the highest standard of professionalism and technical competency.

As with many such bodies, ComSoc regularly sponsors competitions for the best technical papers submitted by members, and some of these competitions are limited to communications engineering students. In summary, ComSoc will invite competing students from around the world to submit original technical papers to be considered. A ComSoc committee of communications engineers, typically including individuals of some eminence in government, industry and academia, will then grade and evaluate the competing papers. The ComSoc committee will then select some number of the best papers to be presented at a future ComSoc conference and to be officially published by IEEE in its conference proceedings. To have one's student paper selected and presented at such a ComSoc meeting is viewed as an honor and major education and professional accomplishment for the student.

On March 18, 2005, ComSoc selected as one of the best papers in one such student competition entitled "Performance assessment of OFDM-based IEEE802.16 physical layer

David Mills
December 12, 2005
Page 2

employing different channel adaptation regimes" that was written by three individuals, including (b) (6), (b) (7)(C), a communications engineering student at K.N. Toosi University of Technology and a collaborator at the Iran Telecommunications Research Center in Tehran, Iran. A copy of the paper is attached to this letter as Exhibit B. (b) (6), (b) (7)(C) was invited to present his prize paper at a ComSoc conference on May 17, 2005, held in Seoul, Korea. A copy of the conference agenda, including a reference to (b) (6), (b) (7)(C) paper, is attached to this letter as Exhibit C. The paper was one of four such papers presented in session CQ13 ("QoS and Wireless Network II"), held on the afternoon of May 18, 2005, and chaired by Stefano Giordano of the University of Pisa in Italy. See page 31 of Exhibit C for the entry relating to this paper.

It is normally ComSoc's policy to award a student as a prize a stipend to cover the actual out-of-pocket expenses incurred by the student to attend such a conference and to present his or her paper to the conference. (b) (6), (b) (7)(C) did, in fact, attend the above ComSoc conference in Korea and did present the paper attached as Exhibit B in the symposium session noted in Exhibit C. An itemization of (b) (6), (b) (7)(C) travel expenses is attached to this letter as Exhibit D, which total US\$1,000.

On page 2 of the May 9 OFAC Letter, OFAC said:

IEEE may use a portion or the entire cash prize or award to pay for transactions normally incident to the travel of an Iranian citizen or national in connection with that person's participation in an IEEE awards ceremony in the U.S. ... Payment of any cash prize or award in excess of the amounts necessary to engage in travel-related transactions would be prohibited by ITR § 560.204 unless specifically licensed.

Based upon the facts and circumstances of this student's selection to present his technical paper at the ComSoc conference in Korea and on the foregoing ruling from OFAC in the May 9 OFAC Letter, IEEE, on behalf of its operating unit ComSoc, now requests written confirmation from OFAC that it may reimburse (b) (6), (b) (7)(C) the sum of US\$1000 for his actual travel expenses incurred to attend that conference and to present his paper. To the best of IEEE's information, based on its review of his receipts and the tabulation in Exhibit D, no part of this money is in excess of his actual and reasonable out-of-pocket expenses that were "necessary to engage in travel-related transactions." Inasmuch as this conference was held in Korea and not "in the United States," IEEE did not believe that the May 9 OFAC Letter, in and of itself, was sufficient authority upon which to make such a payment to the student absent a new OFAC confirmation.

IEEE is aware of the restrictions imposed by ITR § 560.516 in regard to the means of payment to a person in Iran. If OFAC confirms its permission for IEEE to make this payment for actual travel expenses, IEEE will do so in a manner consistent with ITR § 560.516. IEEE does request a formal letter from OFAC confirming that, consistent with ITR § 560.516, it may arrange a fund transfer of US\$1,000 to a foreign bank account so

David Mills
December 12, 2005
Page 3

as to be able to reimburse (b) (6), (b) (7)(C) for his travel expenses to attend the May 2005 ComSoc conference in Seoul, Korea, and to present his prize-winning technical paper at that meeting.

If you have any questions about this request, please contact me at (b) (6), (b) (7)(C). We would be glad to furnish any other documentation you may require to process this request. Thank you.

Yours truly,

(b) (6), (b) (7)(C)
Counsel for IEEE

Attachments

Exhibit A	May 8, 2005 OFAC letter
Exhibit B	Student Paper by [REDACTED]
Exhibit C	IEEE Computer Society Korean Conference Agenda, May 2005
Exhibit D	Student Travel Expenses to Attend Korean Conference, May 2005



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MAY 9 2005

Case No. IA-4489

(b) (6), (b) (7)(C) Esquire
Dorsey & Whitney LLP
U.S. Bank Centre
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010

Dear (b) (6), (b) (7)(C)

This responds to your letters of July 26, 2004, and January 20, 2005, on behalf of the Institute of Electrical and Electronics Engineers, Inc. ("IEEE"), an educational and scientific not-for-profit organization, requesting an interpretation of the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "TTR"), the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), and the Sudanese Sanctions Regulations, 31 C.F.R. Part 538 (the "SSR"), with regard to five categories of IEEE's membership activities as they relate to Iran, Cuba and Sudan¹ (the "Sanctioned Countries").

New General License Applicable to Standards Development and Joint Works

With respect to your request for guidance on matters relating to standards development and collaboration on joint works (categories 2 and 5 of your July 26 letter), please be advised that the activities that you describe in your letter appear to fall within the scope of those activities authorized under the General Licenses issued by OFAC on December 17, 2004 (Federal Register notice attached). Please contact us with any questions that you may have with respect to how the General Licenses might apply to IEEE's activities.

Prizes and Awards

The first category of IEEE member activities for which you seek guidance is prizes and awards given out at several levels within the IEEE structure to members and non-member individuals who meet established eligibility criteria. You explain that prizes and awards are intended to advance IEEE's mission and there is no payment for services provided or other contractual relationship expected by the recipient. IEEE bestows prizes and awards on recipients in the form of congratulatory letters, certificates, medals, replicas, sculptures, plaques and cash. Money for an individual award can be distributed in the form of travel expense reimbursement so that the award recipient is able to attend an awards ceremony. You also state that any cash award or prize bestowed upon a person residing in one of the Sanctioned Countries would occur outside of that Sanctioned Country.

¹ Pursuant to Executive Order 13357 of September 20, 2004, the Libyan Sanctions Regulations, 31 C.F.R. Part 550, have been lifted effective September 21, 2004. Accordingly, the transactions by U.S. persons described in your letter are no longer subject to the prohibitions of the LSR.

2012-05-066_0083

Congratulatory letters and certificates awarded by IEEE to persons residing in Iran, Cuba or Sudan constitute informational materials exempt from the prohibitions of the ITR, the CACR and the SSR under ITR § 560.210(c), CACR § 515.206(a) and SSR § 538.211(c), respectively. With regard to the other non-cash prizes and awards described in your letter that are bestowed upon a person residing in Iran or Sudan, we would regard such transactions to be authorized under ITR § 560.506 and SSR § 538.510, which authorize the exportation from the United States to Iran and Sudan, respectively, of goods sent as gifts to persons provided that the value of the gift is not more than \$100; the goods are of a type and in quantities normally given as gifts between individuals; and the goods are not controlled for chemical and biological weapons, missile technology, national security, or nuclear proliferation on the Commerce Control List. See the Export Administration Regulations, 15 C.F.R. parts 730 *et seq.* (the "EAR"), which are administered by the Bureau of Industry and Security of the U.S. Department of Commerce. The bestowing of non-cash prizes and awards other than informational materials upon Cuban nationals would be prohibited unless specifically licensed or otherwise authorized by the U.S. Department of Commerce under the EAR. CACR, § 515.533(a).

IEEE's bestowing of cash prizes and awards in a third country to persons residing in Iran would be prohibited by § 560.204 of the ITR unless specifically licensed. With regard to the bestowing of cash prizes and awards in the United States to persons residing in Iran, the ITR provides a general license authorizing the importation of, or other dealing in, Iranian-origin services, respectively, where such services are performed in the United States by an Iranian citizen or national for the purpose of, or which directly relate to, participating in a public conference, performance, exhibition or similar event, and such services are consistent with that purpose. In addition, transactions ordinarily incident to travel are also exempt from the prohibitions of the ITR. ITR, § 560.210(d). Accordingly, IEEE may use a portion or the entire cash prize or award to pay for transactions normally incident to the travel of an Iranian citizen or national in connection with that person's participation in an IEEE awards ceremony in the U.S., provided a visa to engage in such activity has been granted by the U.S. Department of State. ITR, § 560.505. Payment of any cash prize or award in excess of the amounts necessary to engage in travel-related transactions would be prohibited by ITR § 560.204 unless specifically licensed.

Because SSR § 538.413 provides that the transfer of funds from the United States to Sudan does not constitute a prohibited exportation of services, IEEE would not be prohibited from transferring a cash award from a U.S. account to a person residing in Sudan.

Persons subject to U.S. jurisdiction are prohibited from giving a cash prize or award to a Cuban national. However, CACR § 515.571 provides a general license authorizing persons subject to U.S. jurisdiction to engage in certain transactions incident to travel to, from and within the United States by Cuban nationals who enter the United States from Cuba on a visa issued by the U.S. Department of State. These transactions include paying for the Cuban national's travel between the U.S. and Cuba and for the Cuban national's living and maintenance expenses within the United States. Since CACR § 515.571(a)(5)(i) provides that receipt by Cuban nationals of compensation in excess of

amounts covering living expenses and the acquisition of goods for personal consumption is prohibited, any cash prize or award given by a person subject to U.S. jurisdiction to a Cuban national beyond payment of the Cuban national's travel-related expenses as described above would be prohibited.

Local IEEE Unit in Iran

A second category of IEEE membership activities for which you seek guidance is an existing IEEE local unit in Iran. You explain that IEEE has many subordinate groups of members, organized both by geographic locale and by fields of technical interest, further organized by Sections, Society Chapters, etc., in various countries. IEEE chartered a Section in Iran on February 13, 1970, prior to the imposition of U.S. economic sanctions on Iran, and you request confirmation that IEEE may treat this Section as a valid and legitimate IEEE Section, provided IEEE does not provide any services to that Section that are prohibited by ITR § 560.204.

We would regard IEEE's proposed activities described in your letter involving its Section in Iran that are undertaken in like manner with IEEE's other Sections, including sending Section-related notices, bulletins, memoranda, letters, etc. to the Iranian Section leadership; publishing in its IEEE Section directory information such as the names, addresses and phone numbers of the Iranian Section leadership; sending printed or electronic materials regarding conference, meetings and symposia, including invitations for the Section leadership to attend meetings outside the Sanctioned Countries; and allowing the Iranian Section leadership, under its own initiative, to organize local educational events within Iran such as meetings, conferences and educational symposia without any external direction, support or services from IEEE to be transactions exempt from the prohibitions of the ITR, provided no goods, technical data or other services are directly or indirectly provided by IEEE or other U.S. persons to Iran.

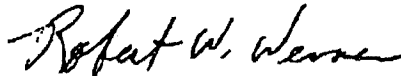
IEEE's compiling and distributing membership directories and lists of dues-paying members in Iran to its Iranian Section leadership at their behest would constitute the provision of services to produce informational materials that is not exempt under ITR § 560.210(c) and thus would be prohibited unless specifically licensed. Provided that no U.S. persons directed, authorized or otherwise participated in the activity, the compiling and distributing of membership directories of Iranian members by the leadership of the Iranian Section would not entail a prohibition of the ITR.

We are unable to provide definitive guidance on your proposal to permit the Iranian Section leadership to recruit dues-paying members in Iran for IEEE, as you do not describe the types of activities that would be undertaken in connection with such transactions, nor do you explain the extent to which IEEE would directly or indirectly facilitate such transactions. Without further information, it would appear that the recruitment of new members in Iran for IEEE would entail the importation of a service that would be prohibited without a license. Upon receipt of a more detailed description of the proposal, including the method of recruitment, the parties that would be involved and the role that those parties would play, and a statement as to whether members in Iran

would be eligible to receive any goods or services from IEEE other than exempt information and informational materials, we would be pleased to provide you with further guidance.

We are still addressing the issues raised with respect to your request for guidance on conferences and meetings and we will provide our response to those issues at a later date. Finally, for future questions with regard to membership issues involving sanctioned countries, we suggest you refer to our web site at www.treas.gov/ofac, to determine whether there have been any changes to applicable regulations.

Sincerely,



Robert W. Werner
Director
Office of Foreign Assets Control

75488 Federal Register / Vol. 69, No. 242 / Friday, December 17, 2004 / Rules and Regulations

Approved: December 7, 2004.
 Mark M. Mathews,
Deputy Commissioner for Services and Enforcement.
 Gregory F. Jones,
Acting Assistant Secretary of the Treasury (Tax Policy).
 [FR Doc. 04-37284 Filed 12-16-04; 8:48 am]
 BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 515, 538 and 580

Cuban Assets Control Regulations, Sudanese Sanctions Regulations, and Iranian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control ("OFAC") of the U.S. Department of the Treasury is revising the Cuban Assets Control Regulations, the Sudanese Sanctions Regulations, and the Iranian Transactions Regulations to add general licenses pertaining to certain publishing activities.

DATES: Effective Date: December 17, 2004. Comments may be submitted at any time.

ADDRESSES: You may submit comments by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Agency Web Site: <http://www.treas.gov/offices/enforcement/ofac/comment.html>.
- Fax: Chief of Records, 202/622-1657.
- Mail: Chief of Records, ATTN: Request for Comments, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Instructions: All submissions received must include the agency name and the FR Doc. number that appears at the end of this document. Comments received will be posted without change to <http://www.treas.gov/ofac>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document. To read background documents or comments received, go to <http://www.treas.gov/ofac>.

FOR FURTHER INFORMATION CONTACT: Chief of Policy Planning and Program

Management, tel. 202/622-2500, Chief of Licensing, tel. 202/622-2480, Chief of Compliance, tel. 202/622-2490, or Chief Counsel, tel. 202/622-2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This file is available for download without charge in ASCII and Adobe Acrobat readable ("PDF") formats at GPO Access. GPO Access supports HTTP, FTP, and Telnat at fedbbs.access.gpo.gov. It may also be accessed by modem dialup at 202/512-1387 followed by typing "/GO/FAC." Paper copies of this document can be obtained by calling the Government Printing Office at 202/512-1530. This document and additional information concerning the programs of the Office of Foreign Assets Control are available for downloading from the Office's Internet Home Page: <http://www.treas.gov/ofac>, or via FTP at ofacftp.treas.gov. Facsimiles of information are available through the Office's 24-hour fax-on-demand service: call 202/622-0077 using a fax machine, fax modem, or (within the United States) a touch-tone telephone.

Background

The Cuban Assets Control Regulations, 31 CFR part 515 (the "CACR"), were issued by the U.S. Government on July 8, 1983, under the Trading with the Enemy Act (50 U.S.C. App. 6 *et seq.*) (TWEA). In response to certain hostile actions by the Cuban Government. Since that time, U.S. policy toward Cuba has been to encourage a rapid and peaceful transition to democracy. The TWEA sanctions are intended to isolate the Cuban Government economically and deprive it of U.S. dollars that the Cuban Government would otherwise use to maintain or strengthen its repressive apparatus, enforce its information blockade on the Cuban people, and arrange for a succession and the continuation of the totalitarian Communist government.

The Sudanese Sanctions Regulations, 31 CFR part 538 (the "SSR"), implement Executive Order 13087, issued on November 3, 1997, pursuant to, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) (IEEPA). In the order, the President declared a national emergency with respect to the policies and actions of the Government of Sudan, "including continued support for international

terrorism; ongoing efforts to destabilize neighboring governments; and the prevalence of human rights violations, including slavery and the denial of religious freedom." To deal with this national emergency, Executive Order 13087 imposed trade sanctions with respect to Sudan and blocked all property and interests in property of the Government of Sudan in the United States or within the possession or control of U.S. persons.

The Iranian Transactions Regulations, 31 CFR part 580 (the "ITR"), implement a series of Executive orders, beginning with Executive Order 12957, issued on March 15, 1996. In that order, the President declared a national emergency pursuant to IEEPA to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran, including its support for international terrorism, its efforts to undermine the Middle East peace process and its efforts to acquire weapons of mass destruction and the means to deliver them. To deal with this threat, Executive Order 12957 imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. On May 8, 1996, the President issued Executive Order 12959 imposing comprehensive trade sanctions to further respond to this threat, and on August 18, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

The Treasury Department's Office of Foreign Assets Control ("OFAC") is amending the CACR, SSR and ITR to authorize certain activities relating to publishing that otherwise would be prohibited exportation of services to, or prohibited importation of services from, Cuba, Sudan or Iran.

With certain exceptions, the exportation and importation of information and informational materials to or from any country are exempt from regulation by the President under TWEA and IEEPA. See 50 U.S.C. App. 5(b)(4) and 50 U.S.C. 1702(b)(3), respectively. OFAC is issuing the new general licenses set forth at 31 CFR 515.577, 31 CFR 538.529 and 31 CFR 580.538 to authorize transactions not already exempt from regulation that directly support the publishing and marketing of manuscripts, books, journals, and newspapers, in paper or electronic format.

Each of the general licenses is similar in structure and scope, authorizing a variety of activities relating to publishing with appropriate exceptions, such as those for the governments of

each of the sanctioned countries. Section 515.545, a pre-existing general license pertaining to information and informational materials remains in effect, but is being revised to include a note referring to the further authorizations contained in § 515.577.

Public Participation

Because the amendment of the CACR, ITR and SSR involves a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 552) (the "APA") requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply. However, OFAC encourages interested persons who wish to comment to do so in writing. The address for submitting comments appears in the ADDRESSES section near the beginning of this document. OFAC will not accept public comments written in languages other than English or accompanied by a request that a part or all of the submission be treated confidentially because of its business proprietary nature or for any other reason. OFAC will return such submissions to the originator. All public comments on these regulations will be a matter of public record. Copies of the public record concerning these regulations will be made available not sooner than March 17, 2005, and will be obtainable from OFAC's Internet Home Page at <http://www.treas.gov/ofac>. If that service is unavailable, written requests for copies may be sent to Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220, Attn: Chief, Records Division.

Paperwork Reduction Act

The collections of information related to 31 CFR parts 31 CFR parts 560 and 538 are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505-0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects

31 CFR Part 515

Administrative practice and procedure, Cuba, Exports, Foreign trade, Imports, Information, Sudan.

31 CFR Part 538

Administrative practice and procedure, Exports, Foreign trade, Imports, Information, Sudan.

31 CFR Part 560

Administrative practice and procedure, Exports, Foreign trade, Imports, Information, Iran.

■ For the reasons set forth in the Preamble, 31 CFR parts 515, 538 and 560 are amended as follows:

PART 515—CUBAN ASSETS CONTROL REGULATIONS

■ 1. The authority citation for part 515 continues to read as follows:

Authority: 18 U.S.C. 2332d; 22 U.S.C. 2370(a), 5001-5010; 31 U.S.C. 331(b); 50 U.S.C. App. 1-44; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 108-307, 114 Stat. 1369; E.O. 9183, 7 FR 4208, 2 CFR 1839-1843 Comp., p. 2147; E.O. 9889, 13 FR 4891, 2 CFR 1043-1048 Comp., p. 748; Proc. 3447, 17 FR 1045, 2 CFR, 1859-1863 Comp., p. 157; E.O. 12854, 58 FR 74897, 2 CFR, 1993 Comp., p. 616.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Section 515.545 is amended by adding a note at the end of the section to read as follows:

§ 515.545 Transactions related to information and informational materials.

Note to § 515.545. With respect to transactions necessary and ordinarily incident to the publishing and marketing of manuscripts, books, journals, and newspapers, see § 515.577.

■ 3. Add a new § 515.577 to subpart E to read as follows:

§ 515.577 Authorized transactions necessary and ordinarily incident to publishing.

(a) To the extent that such activities are not exempt from this part, and subject to the restrictions set forth in paragraphs (b) through (d) of this section, persons subject to the jurisdiction of the United States are authorized to engage in all transactions necessary and ordinarily incident to the publishing and marketing of manuscripts, books, journals, and newspapers (collectively, "written publications"), in paper or electronic format. This section does not apply if

the parties to the transactions described in this paragraph include the Government of Cuba. For the purposes of this section, the term "Government of Cuba" includes the state and the Government of Cuba, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Cuba; any person occupying the positions identified in § 515.370(a)(3); employees of the Ministry of Justice; and any person acting or purporting to act directly or indirectly on behalf of any of the foregoing with respect to the transactions described in this paragraph. For the purposes of this section, the term "Government of Cuba" does not include any academic and research institutions and their personnel. Pursuant to this section, the following activities are not prohibited, provided that persons subject to the jurisdiction of the United States ensure that they are not engaging, without specific authorization, in the activities identified in paragraph (d) of this section:

- (1) Commissioning and making advance payments for identifiable written publications not yet in existence, to the extent consistent with industry practice;
- (2) Collaborating on the creation and enhancement of written publications;
- (3) Augmenting written publications through the addition of items such as photographs, artwork, translation, and explanatory text;
- (4) Substantive editing of written publications;
- (5) Payment of royalties for written publications;
- (6) Creating or undertaking a marketing campaign to promote a written publication; and
- (7) Other transactions necessary and ordinarily incident to the publishing and marketing of written publications as described in this paragraph (a).

(b) This section does not authorize transactions involving the provision of goods or services not necessary and ordinarily incident to the publishing and marketing of written publications as described above. For example, this section does not authorize persons subject to the jurisdiction of the United States:

- (1) To provide or receive individualized or customized services (including, but not limited to, accounting, legal, design, or consulting services), other than those necessary and ordinarily incident to the publishing and marketing of written publications, even though such individualized or customized services are delivered through the use of

information and informational materials;

(2) To create or undertake for any person a marketing campaign with respect to any service or product other than a written publication, or to create or undertake a marketing campaign of any kind for the benefit of the Government of Cuba;

(3) To engage in the exportation or importation of goods, other than information and informational materials, to or from Cuba;

(4) To operate a publishing house, sales outlet, or other office in Cuba; or

(5) To engage in transactions related to travel to, from and within Cuba.

(c) This section does not authorize persons subject to the jurisdiction of the United States to engage the services of publishing houses or translators in Cuba unless such activity is primarily for the dissemination of written publications in Cuba.

(d) This section does not authorize:

(1) Transactions for the development,

production, design, or marketing of

software;

(2) Transactions for the development,

production, design, or marketing of

technology specifically controlled by

the International Traffic in Arms

Regulations, 22 CFR parts 120 through

130 (ITAR), the Export Administration

Regulations, 15 CFR parts 730 through

774 (EAR), or the Department of Energy

Regulations set forth at 10 CFR part 810.

(3) The exportation of information or

technology subject to the authorization

requirements of 10 CFR part 810, or

Restricted Data as defined in section 11

y. of the Atomic Energy Act of 1954, as

amended, or of other information, data,

or technology the release of which is

controlled under the Atomic Energy Act

and regulations therein;

(4) The exportation of information

subject to license application

requirements under the EAR. These

EAR license application requirements

cover not only the exportation of

information controlled on the

Commerce Control List, 15 CFR part

774, but also the exportation of any

information subject to the EAR where a

U.S. person knows or has reason to

know that the information will be used,

directly or indirectly, with respect to

certain nuclear, missile, chemical and

biological weapons, and nuclear-

maritime end-uses. In addition, U.S.

persons are precluded from exporting

any information subject to the EAR to

certain restricted end-users, as provided

in the Commerce Department's end-user

and end-use based controls set forth at

15 CFR part 744; or

(5) The exportation of information

subject to licensing requirements under

the ITAR, or exchanges of information that are subject to regulation by other government agencies.

(e) Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 538.530(c) for purposes necessary and ordinarily incident to the publishing and marketing of written publications.

PART 538—SUDANESE SANCTIONS REGULATIONS

■ 4. The authority citation for part 538 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 18 U.S.C. 2382B, 2332d; 50 U.S.C. 1801–1851, 1701–1709; Pub. L. 100–387, 114 Stat. 1540; E.O. 13567, 62 FR 50699; 3 CFR, 1997 Comp., p. 230.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 5. Add a new § 538.539 to subpart E to read as follows:

§ 538.539 Authorized transactions necessary and ordinarily incident to publishing.

(a) To the extent that such activities are not exempt from this part and subject to the restrictions set forth in paragraphs (b) through (d) of this section, 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 (collectively, "written publications"), in paper or electronic format. This section does not apply if the parties to the transactions described in this paragraph include the Government of Sudan. For the purposes of this section, the term "Government of Sudan" includes the state and the Government of Sudan, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Sudan; and any person acting or purporting to act directly or indirectly on behalf of any of the foregoing with respect to the transactions described in this paragraph. For the purposes of this section, the term "Government of Sudan" does not include any academic and research institutions and their personnel. Pursuant to this section, the following activities are not prohibited, provided that U.S. persons ensure that they are not engaging, without specific authorization, in the activities identified in paragraph (d) of this section:

(1) Corresponding and making advance payments for identifiable written publications not yet in existence, to the extent consistent with industry practices;

(2) Collaborating on the creation and enhancement of written publications;

(3) Augmenting written publications through the addition of items such as photographs, artwork, translation, and explanatory text;

(4) Substantive and artistic editing of written publications;

(5) Payment of royalties for written publications;

(6) Creating or undertaking a marketing campaign to promote a written publication; and

(7) Other transactions necessary and ordinarily incident to the publishing and marketing of written publications as described in this paragraph (e).

(b) This section does not authorize transactions involving the provision of goods or services not necessary and ordinarily incident to the publishing and marketing of written publications as described above. For example, this section does not authorize U.S. persons:

(1) To provide or receive individualized or customized services (including, but not limited to, accounting, legal, design, or consulting services), other than those necessary and ordinarily incident to the publishing and marketing of written publications, even though such individualized or customized services are delivered through the use of information and informational materials;

(2) To create or undertake for any person a marketing campaign with respect to any service or product other than a written publication, or to create or undertake a marketing campaign of any kind for the benefit of the Government of Sudan;

(3) To engage in the exportation or importation of goods, other than information and informational materials, to or from Sudan; or

(4) To operate a publishing house, sales outlet, or other office in Sudan.

(c) This section does not authorize U.S. persons to engage the services of publishing houses or translators in Sudan unless such activity is primarily for the dissemination of written publications in Sudan.

(d) This section does not authorize:

(1) Transactions for the development, production, design, or marketing of software;

(2) Transactions for the development, production, design, or marketing of technology specifically controlled by the International Traffic in Arms Regulations, 22 CFR parts 120 through 130 (ITAR), the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR), or the Department of Energy Regulations set forth at 10 CFR part 810.

(3) The exportation of information or technology subject to the authorization requirements of 10 CFR part 810, or Restricted Data as defined in section 11 y. of the Atomic Energy Act of 1954, as amended, or of other information, data, or technology the release of which is controlled under the Atomic Energy Act and regulations therein;

(4) The exportation of information subject to license application requirements under the EAR. These EAR license application requirements cover not only the exportation of information controlled on the Commerce Control List, 15 CFR part 774, but also the exportation of any information subject to the EAR where a U.S. person knows or has reason to know that the information will be used, directly or indirectly, with respect to certain nuclear, missile, chemical and biological weapons, and nuclear-maritime end-uses. In addition, U.S. persons are precluded from exporting any information subject to the EAR to certain restricted end-users, as provided in the Commerce Department's end-user and end-use based controls set forth at 15 CFR part 744; or

(5) The exportation of information subject to licensing requirements under the ITAR, or exchanges of information that are subject to regulation by other government agencies.

PART 580—IRANIAN TRANSACTIONS REGULATIONS

■ 6. The authority citation for part 580 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 2385B, 2332d; 21 U.S.C. 2385a-8; 31 U.S.C. 321(f); 50 U.S.C. 1801-1803, 1701-1703; Pub. L. 101-410, 104 Stat. 890 (26 U.S.C. 2461 note); Pub. L. 100-387, 110 Stat. 1249; E.O. 11613, 52 FR 41940, 3 CFR, 1987 Comp., p. 206; E.O. 12957, 60 FR 14818, 3 CFR, 1995 Comp., p. 333; E.O. 12859, 60 FR 24737, 3 CFR, 1995 Comp., p. 338; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 7. Add a new § 580.338 to subpart E to read as follows:

§ 580.338 Authorized transactions necessary and ordinarily incident to publishing.

(a) To the extent that such activities are not exempt from this part, and subject to the restrictions set forth in paragraphs (b) through (d) of this section, 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 (collectively,

"written publications"). In paper or electronic format. 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" includes the state and the Government of Iran, as well as any political subdivision, agency, or instrumentality thereof, which includes the Central Bank of Islamic Republic of Iran; and any person acting or purporting to act directly or indirectly on behalf of any of the foregoing with respect to the transactions described in this paragraph. For the purposes of this section, the term "Government of Iran" does not include any academic and research institutions and their personnel. Pursuant to this section, the following activities are not prohibited, provided that U.S. persons ensure that they are not engaging, without specific authorization, in the activities identified in paragraph (d) of this section:

(1) Commissioning and making advance payments for identifiable written publications not yet in existence, to the extent consistent with industry practice;

(2) Collaborating on the creation and enhancement of written publications;

(3) Augmenting written publications through the addition of items such as photographs, artwork, translation, and explanatory text;

(4) Substantive editing of written publications;

(5) Payment of royalties for written publications;

(6) Creating or undertaking a marketing campaign to promote a written publication; and

(7) Other transactions necessary and ordinarily incident to the publishing and marketing of written publications as described in this paragraph (a).

(b) This section does not authorize transactions involving the provision of goods or services not necessary and ordinarily incident to the publishing and marketing of written publications as described above. For example, this section does not authorize U.S. persons:

(1) To provide or receive individualized or customized services (including, but not limited to, accounting, legal, design, or consulting services), other than those necessary and ordinarily incident to the publishing and marketing of written publications, even though such individualized or customized services are delivered through the use of information and informational materials;

(2) To create or undertake for any person a marketing campaign with respect to any service or product other

than a written publication, or to create or undertake a marketing campaign of any kind for the benefit of the Government of Iran;

(3) To engage in the exportation or importation of goods, other than information and informational materials, to or from Iran; or

(4) To operate a publishing house, sales outlet, or other office in Iran.

(c) This section does not authorize U.S. persons to engage the services of publishing houses or translators in Iran unless such activity is primarily for the dissemination of written publications in Iran.

(d) This section does not authorize:

(1) Transactions for the development, production, design, or marketing of software;

(2) Transactions for the development, production, design, or marketing of technology specifically controlled by the International Traffic in Arms Regulations, 22 CFR parts 120 through 130 (ITAR), the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR), or the Department of Energy Regulations set forth at 10 CFR part 810.

(3) The exportation of information or technology subject to the authorization requirements of 10 CFR part 810, or Restricted Data as defined in section 11 y. of the Atomic Energy Act of 1954, as amended, or of other information, data, or technology the release of which is controlled under the Atomic Energy Act and regulations therein;

(4) The exportation of information subject to license application requirements under the EAR. These EAR license application requirements cover not only the exportation of information controlled on the Commerce Control List, 15 CFR part 774, but also the exportation of any information subject to the EAR where a U.S. person knows or has reason to know that the information will be used, directly or indirectly, with respect to certain nuclear, missile, chemical and biological weapons, and nuclear-maritime end-uses. In addition, U.S. persons are precluded from exporting any information subject to the EAR to certain restricted end-users, as provided in the Commerce Department's end-user and end-use based controls set forth at 15 CFR part 744; or

(5) The exportation of information subject to licensing requirements under the ITAR, or exchanges of information that are subject to regulation by other government agencies.

75472 Federal Register / Vol. 69, No. 242 / Friday, December 17, 2004 / Rules and Regulations

Dated: December 10, 2004.
Robert W. Wootery,
Director, Office of Foreign Arms Control.

Approved: December 13, 2004.
Juan C. Zarate,
Assistant Secretary, Terrorist Financing and
Financial Crimes, Department of the
Treasury.
[FR Doc. 04-27717 Filed 12-14-04; 5:07 pm]
BILLING CODE 4810-25-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117
[C0006-04-023]
RIN 1625-AA-00

Drawbridge Operation Regulations;
Atlantic Intracoastal Waterway (AICW),
Elizabeth River, Southern Branch, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation
from regulations and request for
comments.

SUMMARY: The Commander, Fifth Coast
Guard District, has issued a temporary
deviation from the drawbridge operation
regulations to test an alternate
drawbridge operation regulation for the
Dominion Boulevard (US 17) Bridge
across the Southern Branch of the
Elizabeth River, at AICW mile 8.8, at
Chesapeake, Virginia. Under this
temporary 90-day deviation, from 8:30
a.m. to 4 p.m., Monday through Friday,
except Federal holidays, the draw of the
bridge will open every hour on the half
hour. During the temporary deviation,
the bridge will continue to open on
signal for commercial vessels that
provide a two-hour advance notice and
will open on demand at all times for
commercial vessels carrying liquefied
flammable gas or other hazardous
materials.

The purpose of this temporary
deviation is to test an alternate
drawbridge operation schedule for 90
days and solicit comments from the
public.

DATES: This deviation is effective from
8:30 a.m. on December 13, 2004, to 4
p.m. on March 13, 2005. Comments
must reach the Coast Guard on or before
March 14, 2005.

ADDRESSES: You may mail comments
and related material to Commander
(cbr), Fifth Coast Guard District, Federal
Building, 1st Floor, 431 Crawford Street,
Portsmouth, Virginia 23704-6004, or
they may be hand delivered to the same

address between 8 a.m. and 4 p.m.,
Monday through Friday, except Federal
Holidays. The Commander (cbr), Fifth
Coast Guard District maintains the
public docket for this test schedule.
Comments and material received from
the public, as well as documents
indicated in this preamble as being
available in the docket, will become part
of this docket and will be available for
inspection or copying at the above
address.

Request for Comments

We encourage you to participate in
this test deviation by submitting
comments and related material. If you
do so, please include your name and
address, identify the docket number for
this test deviation CGDD5-04-223,
indicate the specific section of this
document to which each comment
applies, and give the reason for each
comment. Please submit all comments
and related material in an unbound
format, no larger than 8 1/2 by 11 inches,
suitable for copying. If you would like
to know they reached us, please enclose
a stamped, self-addressed postcard or
envelope. We will consider all
comments and material received during
the comment period.

FOR FURTHER INFORMATION CONTACT: Bill
Braxler, Bridge Management Specialist,
Fifth Coast Guard District, at (757) 398-
8422.

SUPPLEMENTARY INFORMATION: In an
effort to ease vehicle traffic congestion
as a result of recent vessel openings of
the drawbridge, the Coast Guard has
issued a temporary deviation from the
drawbridge regulations to test for a
period of 90 days an alternate
drawbridge operation schedule.

Under this 90-day temporary
deviation, effective from December 13,
2004 to March 13, 2005, the Dominion
Boulevard (US 17) Bridge, mile 8.8 in
Chesapeake, shall open on signal for
commercial vessels that provide a two-
hour advance notice and will open on
demand at all times for commercial
vessels carrying liquefied flammable gas
or other hazardous materials. From
December 13, 2004 to March 13, 2005,
from 8:30 a.m. to 4 p.m., Monday
through Friday, except Federal holidays,
the draw need be opened only every
hour on the half hour.

This deviation from the operating
regulations is authorized under 33 CFR
117.43.

Dated: December 10, 2004.

Wootery W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth
Coast Guard District.

[FR Doc. 04-27716 Filed 12-14-04; 4:43 am]
BILLING CODE 4810-25-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 8

[FRL-7846-8]

OMB Approvals Under the Paperwork
Reduction Act; Technical Amendment

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the
Paperwork Reduction Act (PRA), this
technical amendment amends the table
that lists the Office of Management and
Budget (OMB) control numbers issued
under the PRA for Effluent Limitations
Guidelines and New Source
Performance Standards for the
Concentrated Aquatic Animal
Production Point Source Category. Final
Rule.

DATE: Effective Date: This final rule is
effective December 17, 2004.

FOR FURTHER INFORMATION CONTACT: Ms.
Marta Jordan at (202) 586-1049.

SUPPLEMENTARY INFORMATION: EPA is
amending the table of currently
approved information collection request
(ICR) control numbers issued by OMB
for various regulations. The amendment
updates the table to list those
information collection requirements
promulgated under the Effluent
Limitations Guidelines and New Source
Performance Standards for the
Concentrated Aquatic Animal
Production Point Source Category. Final
Rule, which appeared in the Federal
Register on August 23, 2004 (69 FR
51892). The affected regulations are
codified at 40 CFR part 481. EPA will
continue to present OMB control
numbers in a consolidated table format
to be codified in 40 CFR part 8 of the
Agency's regulations, and in each CFR
volume containing EPA regulations. The
table lists CFR citations with reporting,
recordkeeping, or other information
collection requirements, and the current
OMB control numbers. This listing of
the OMB control numbers and their
subsequent codification in the CFR
satisfies the requirements of the
Paperwork Reduction Act (44 U.S.C.
3501 et seq.) and OMB's implementing
regulations at 5 CFR part 1520.

This ICR was previously subject to
public notice and comment prior to
OMB approval. Due to the technical
nature of the table, EPA finds that
further notice and comment is
unnecessary. As a result, EPA finds that
there is "good cause" under section
553(b)(3) of the Administrative
Procedure Act, 5 U.S.C. 553(b)(3), to

Performance assessment of OFDM-based IEEE802.16 physical layer employing different channel adaptation regimes

(b) (6), (b) (7)(C)

Iran Telecommunication Research Center, SDR Project
End of North Karegar, Tehran/Iran, Zip Code: 14399

(b) (6), (b) (7)(C)

Abstract—Albeit not too long has passed from IEEE802.16 standard emergence, but this wireless technology is about to revolutionize the broadband wireless industry. This technology is designed to provide wireless last-mile broadband access to Metropolitan Area Network (MAN), delivering performance comparable to traditional cable, DSL or T1 offerings. The proposed Physical Layer (PHY) standard, which is based upon OFDM as the mandatory technology, supports an extensive range of options.

In the presented research we have modeled and evaluated the performance of this standard taking into account different PHY channel adaptation configurations, which comprise an assortment of Adaptive Modulation (AM) schemes and different channel estimation policies for coded and un-coded systems. Our results will quantitatively demonstrate the effect of using diverse AM methods under different PHY scenarios over BER and throughput performance of IEEE802.16a PHY.

I. INTRODUCTION

Amid the rapidly growing demand for high-speed multimedia applications and Internet access in the residential sectors and an equally fast paced growth in last-mile access technologies, Fixed Broadband Wireless Access (FBWA) has emerged as a promising solution [1, 2]. The healthy growth of demand for broadband technology is expected to continue steadily over the next few years and reach the figure of 200 million lines by 2006. Wireless DSL (WDSL) offers an effective, complementary solution to wire-line DSL, allowing DSL operators to provide broadband service to additional areas and populations that would otherwise find themselves outside the broadband loop.

In January 2003, the IEEE approved the 802.16a standard, which covers the frequency band between 2 to 11 GHz. As an extension to 10-66 GHz preliminary IEEE802.16 standard, This standard is a wireless MAN technology that provides broadband wireless connectivity to fixed, portable and nomadic users in up to 30 miles of range with typical cell radius of 4 to 6 miles[3, 4]. This powerful OFDM and NLOS technology can be used to backhaul 802.11 hotspots and WLANs to the Internet provide campus connectivity and enable a wireless alternative to cable and DSL for the last mile broadband access. In brief, 802.16 wireless technology provides a flexible, cost-effective, standards-based means of filling existing gaps in broadband coverage and creating new forms of broadband

services not envisioned in a "wired" world. With shared data rates up to 75 Mbps, a single transceiver radio pair in an 802.16 base station provides sufficient bandwidth to simultaneously support more than 60 businesses with T1 level connectivity and hundreds of homes with DSL rate connectivity, using 20 MHz of channel bandwidth.

The 802.16 traditionally makes use of a common DOCSIS-based MAC over a wide range of PHY options [5]. The PHY supports various modulation and coding schemes in order to operate over the wide spectrum assigned to it. Adaptive Modulation and Coding (AMC) feature of this standard allows flexible bandwidth allocation to maximize spectral efficiency and overall system capacity. For example, near Subscriber Station (SS) can use higher level modulation scheme with high coding rate, while far SS or SS experiencing severe interference profile can use more resilient QPSK modulation.

Though an enormous volume of literature have been individually dedicated to AM, channel estimation and equalization, but no single research has targeted the evaluation of combinatorial effect of these techniques on BER and throughput performance of IEEE802.16a OFDM-based PHY. The chief goal of this research is to fill the cited gap by offering as realistic and credible as possible model for IEEE802.16a PHY taking into account AM, subcarrier equalization and channel estimation features. The numerical outcomes of the simulations will shed light on areas which so far have been addressed almost qualitatively. Based on this work we intend to propose algorithms for implementing channel adaptation and subcarrier equalization, as these sections have been left for different implementers to realize. These algorithms will be used in a software defined implementation of IEEE 802.16a. We have not yet achieved all of our research goals, so in this paper we present our progress thus far.

II. CHANNEL ADAPTATION POLICIES

Basically OFDM operates by transmitting data through parallel subcarriers at a lower data rate, effectively transforming a frequency selective fading channel into a collection of flat fading subchannels. To improve both performance and rate of communication links, transmitter design should match the intended propagation channel. The resulting channel-adaptive transmission adjusts parameters

such as power levels, constellation sizes, coding schemes and modulation types. In this process the decision for switching to an alternative state is based upon the channel state information that is assumed to be in disposal of transmitter [6, 7]. There is a very rich literature regarding AM or Bit Allocation (BA), as a number of authors prefer to call it.

From a certain semi-classical point of view most BA algorithms can be classified into three categories: incremental or greedy [8], channel-capacity approximation-based allocations [9] and bit error probability expression-based allocations [10]. On the other hand, BA algorithms can also be classified according to the objective function they are attempting to optimize. Common choices are the maximization of the overall throughput at a constant total power constraint (rate-adaptive loading) [9] and the minimization of the energy at a fixed throughput (margin-adaptive loading) [11]. Both cases also employ an error rate constraint.

In making use of any AM scheme in an OFDM-based IEEE802.16 PHY, several issues should be addressed. Our main focus in this research is solely modulation adaptation. This seems to be a reasonable approach regarding IEEE802.16a, as the fixed nature of Multi-channel Multipoint Distribution Service (MMDSS) communication adopted in this research allows the dynamic power adaptation feature to be replaced by a fixed pre-aligned power adjustment without profound consequences on the link quality.

Throughout our research we were prone to moderate the normally high operational load inflicted upon MAC layer. A remedy for this case is to implement the AM PHY-based rather than MAC-based. The most conducive environment for an adaptive OFDM scheme to operate in is a time division duplex (TDD) system in a slowly varying reciprocal channel, allowing open-loop adaptation (extracting the channel quality estimation for each link from the reverse link) [12]. This is also the most appropriate regime for IEEE802.16a, which can support both FDD and TDD.

In order to allocate the suitable modulation modes to the subcarriers, the two communicating stations use the open-loop predicted channel transfer function acquired from the most recent received OFDM symbol. The modulation scheme will be chosen from the set of BPSK, QPSK, 16-QAM and 64-QAM defined in IEEE802.16a, as well as "No Transmission". In order to keep the system complexity low, the modulation scheme is not varied on a subcarrier-by-subcarrier basis. Instead, the total OFDM bandwidth of N subcarriers is split into blocks of 8 adjacent subcarriers, referred to as subbands. The same modulation scheme is employed for all subcarriers of a subband. This approach substantially simplifies signaling load pertaining to AM and renders the use of alternative blind detection mechanisms feasible, which are essential for establishing a PHY-based AM scheme.

Three AM algorithms were made use of in this research, hereunder which will be discussed.

A. Constant SNR switching level (CSL)

This algorithm can be attributed back to the adaptation algorithm proposed by Torrance for serial modems [12, 13].

For a serial modem, a channel has to be slowly varying in order to allow accurate channel quality prediction. Under this condition, all the data symbols in the transmit time slot employ the same modulation scheme, chosen according to the predicted SNR. The SNR thresholds for a given long-term target BER were determined by Powell optimization [13]. The resulting lower SNR switching level for applying a given modulation scheme in a slowly Rayleigh fading narrow-band channel have been given in Table 1-a. Also IEEE802.16a has determined minimum SNR switching levels for modulation schemes it has recommended. These values have been collected in Table 1-b. In this research we preferred to use the first set of switching levels (for BER of 10^{-4}), as they seem to be more objective.

The corresponding modulation scheme will be selected, if the instantaneous SNR exceeds the switching level. In our simulations, we have employed the lowest quality subcarrier in the subband as the subband quality index, which is used for the adaptation based on Table 1-a.

B. BER estimation (BER-based)

Due to its pessimistic approximation for subband quality index, CSL will lead to system throughput degradation. One method to mitigate this throughput performance penalty is to take into account the non-constant essence of SNR values across 8 subcarriers in a given subband [12].

If subcarriers SNR values across the i th subband are represented by $\gamma_i, j=1, \dots, 8$, the expected overall bit error probability for all available

Target BER	I_0	I_1	I_2	I_3
0.01	$-\infty$	3.31	6.48	11.61
10^{-4}	$-\infty$	7.98	10.42	16.76

(a)

Target BER	I_0	I_1	I_2	I_3
10^{-4}	$-\infty$	10.5	14.5	19

(b)

Table 1: Switching levels (dB) for AM according to (a) Powell's optimization (b) IEEE802.16a standard

modulation schemes $M_n, n=1, \dots, 4$, in each subband can be written as:

$$P_e(n) = \frac{1}{8} \sum_{j=1}^8 P_e(\gamma_j, M_n) \quad (1)$$

For each subband, the scheme with the highest throughput, whose estimated BER is lower than the given threshold, is then chosen.

The probability of error expression for M_i -QAM on subcarrier i is given by [14]:

$$P(\gamma_i, M_i) = 4\left(1 - \frac{1}{\sqrt{M_i}}\right)Q\left(\frac{3\gamma_i}{M_i - 1}\right) \quad (2)$$

$$\left(1 - \left(1 - \frac{1}{\sqrt{M_i}}\right)Q\left(\frac{3\gamma_i}{M_i - 1}\right)\right)$$

where $Q(\cdot)$ is the Q function defined as:

$$Q(x) = \frac{1}{\sqrt{2\pi}} \int_x^\infty e^{-t^2/2} dt \quad (3)$$

In case of BPSK modulation, the probability of error can be calculated based on:

$$P(\gamma_i) = Q(\sqrt{2\gamma_i}) \quad (4)$$

C. Modified capacity estimation (MCE)

This method is based upon algorithm of Chow, Cioffi and Bingham, which omits intensive sorting of Hughes-Hartogs algorithm [9]. Both these algorithms are of practical importance.

Chow, Cioffi and Bingham algorithm uses an approximation of the Shannon capacity expression to determine the number of bits to be allocated per subcarrier.

In our case let γ_i represents the index SNR of subband i (evoked in a manner identical to the procedure described in section 2-1), then the number of bits allocated to this subband will be:

$$b_i = \log_2 \left(1 + \frac{\gamma_i}{\Gamma}\right) \quad (5)$$

Γ or SNR Gap is the difference in SNR values corresponding to the maximum number of bits the system can sustain, given a target probability of error P and the capacity normalized by the signal bandwidth. Assuming equal energy across all used subcarriers, Γ is adjusted until the target bit rate is exceeded. Since the number of bits obtained from Eq. 5 is usually non-integer, the allocation is rounded to the nearest integer value. If this value is 3 or 5, the final allocation will be 2 or 4, respectively. In the original algorithm there is a power level adjustment phase, here which we are not interested in because of obvious reasons.

III. SYSTEM MODEL & CHANNEL ESTIMATION APPROACHES

The system model of simulated IEEE802.16a transmitter/receiver baseband chain is depicted in Fig. 1. At the transmitter, the modulator generates N_g data symbols S_n , $0 \leq n \leq N_g - 1$, which are multiplexed to the N ($N_g \leq N$) subcarriers. The time domain samples x_n transmitted during one OFDM symbol are generated by IFFT and transmitted over the channel after the Cyclic Prefix (CP) has been inserted. In this research our multicarrier system employs 256 subcarriers, over which 192 of them data is conveyed. After OFDM modulation (IFFT) a 64-bit long CP will be added to the OFDM symbol. The choice of CP length according to the channel delay spread, will relinquish any signal degradation due to inter-subcarrier interference (ISI) and multipath propagation (conversion of linear convolution to cyclic convolution).

In this system, before modulation the binary data from MAC layer are encoded by an concatenated coder comprised of

Reed-Solomon and Convolutional with puncturing blocks (recommended channel coding procedure for IEEE802.16a [3,4]). Different coding rates can be applied to each of these blocks according to channel adaptation policy. After two stages of interleaving, this bit stream will be submitted to mapper/modulator block. At the receiver, the CP is removed from the received time-domain samples, and the data samples r_n are fast Fourier transformed (FFT), in order to yield the received frequency-domain data symbols R_n .

The main assumption in this section is that due to the value of channel coherence time, its impulse response is static over at least one OFDM symbol. Thus, the cited impulse response can be characterized for each OFDM symbol period by the N -point Fourier transform of the impulse response, which is represented by H_n . The channel is assumed to possess a time-variant impulse response $h(\tau, t)$ and additive white Gaussian noise (AWGN). Hence, the effects of fading have to be compensated in the received data symbols R_n with the aid of an estimate of the channel transfer function H_n . Since the noise energy in each subcarrier is independent of H_n , the local SNR in subcarrier n can be expressed as:

$$\gamma_n = |H_n|^2 \cdot \gamma \quad (6)$$

where γ is the overall SNR. The goal of AM is to choose the appropriate modulation scheme for transmission in each subcarrier, given γ_n , in order to achieve a good tradeoff between throughput and overall BER. In our specific application, a MMDS with bandwidth of 6 MHz has been considered. In this case, if the CP length is presumed to be 64 samples, OFDM symbol period will be equal to 45.7 μs .

Estimate of the channel transfer function, \hat{H}_n , can be obtained by the use of pilot subcarriers in the OFDM symbol and/or employing time-domain channel sounding training sequences (preambles) embedded in the transmitted frames. Let H be the discrete frequency response vector of the channel defined as:

$$H = [H_0, H_1, \dots, H_{N-1}] \quad (7)$$

A preliminary estimation for the channel can be simply derived from dividing received symbols by known transmitted symbols (Least Square estimation). This estimation can be formulated as:

$$\hat{H}_{LS} = S^{-1}R = \begin{bmatrix} R_0 & R_1 & \dots & R_{N-1} \\ S_0 & S_1 & \dots & S_{N-1} \end{bmatrix}^{-1} \quad (8)$$

A more reliable estimation regime can be deduced through the use of LMMSE approach. The simplified expression for LMMSE estimation is given by: [15]

$$\hat{H}_{LMMSE} = R_{HH} (R_{HH} + \frac{\beta}{SNR} I)^{-1} \hat{H}_{LS} \quad (9)$$

where:

$$R_{HH} = E[\hat{H}\hat{H}^H] \quad (10)$$

$$\beta = E[S_n^2] E\left[\frac{1}{S_n^2}\right]$$

β is a constant value depending on the modulation type. In our simulations, we have taken β equal to 1, as the modulation

schemes used for preambles are BPSK and QPSK, according to the standard.

Considering the format of transmitted packets in IEEE802.16a, channel estimator can recognize and use pilot symbols and/or packet preambles in order to estimate channel frequency response [3]. In this research we have performed channel estimation by making use of the preambles alone, as this approach leads to more precise results. Taking into account the limited number of subcarriers with preamble in this standard, estimation will be directly carried out for those subcarriers possessing preamble and the rest of subcarriers will make use of an appropriate interpolation method, which in our case is a linear interpolation. The channel estimation outcome will be also used for subcarrier equalization.

The impulse response $h(\tau, t)$ for the simulations was generated using SUI-3 channel model, according to IEEE802.16 recommendation [16]. This model presents moderate values for delay spread and Doppler shift. Maximum delay spread for this channel is 0.9 μ s, which is less than the length of 64-sample CP (9 μ s) or even 8-sample CP (1 μ s). Coherent time of this channel is about 1 second, so our pre-assumption about credibility of channel estimation result over more than one OFDM symbol turns out to be valid for this channel.

IV. SIMULATION RESULTS

In our simulations unlike the standard, where the same modulation scheme is employed across all subcarriers, the allocation scheme can use a different modulation scheme per subband consisting of 8 adjacent subcarriers. In contrast to other studies, we have considered both uncoded and coded systems.

In this work, we have evaluated the BER and throughput performance of the three algorithms introduced in section 2 using two different channel estimation approaches, i.e. LS and LMMSE described in section 3. For each simulation scenario, the algorithms were operated over SNR (measured at the receiver) range of 5 to 40 dB. The trials were repeated for 1000 different channel realizations per SNR value and the results were averaged.

Fig. 2 depicts simulated BER and throughput performances of uncoded baseband IEEE802.16a PHY employing CSL, BER-based and MCE AM schemes. The channel estimation approach is LS and it has been assumed (against the recommendations in the standard) that the preambles have been transmitted over all subcarriers. Hence, channel estimation has been directly applied to all active subcarriers and through inflicting additional cost upon transmission efficiency, channel estimation will be precise in the absence of interpolation. As it can be discerned from Fig. 2, MCE due to its cynical nature outperforms the other two schemes in sense of BER behavior. Bearing this facet in mind, BER-based scheme has been slightly transcended by CSL and more specifically, CSL seems to be more favorable for use in lower SNRs. Considering the throughput performance, BER-based is the superior scheme followed closely by CSL. It is not unexpected that the scheme

with the best BER performance acts inaptly regarding throughput, in comparison to other methods.

Fig. 3 illustrates BER and throughput performances of uncoded IEEE802.16a PHY employing the three cited AM schemes, when channel estimation process is based on LMMSE approach. In this scenario, we have abided the recommendations laid out by the standard about applying the estimation directly to the subcarriers possessing preambles (almost one in four) and using linear interpolation for the rest of subcarriers. As there are two preambles in downlink transmission (short and long), we have utilized a weighted combination (average, in our case) of the estimations performed over short and long preambles. Some kind of saturation behavior is conspicuous in these BER curves over high SNRs. This is more noticeable in the case of MCE scheme, which preserves its BER performance superiority over the two other schemes. There is very little change in throughput performance comparing to the LS estimation approach and the relative trend of behaviors basically remain the same.

Standard channel coding influence on BER and throughput performances of IEEE802.16a PHY can be pored over in Fig. 4 graphs. In this set of graphs, we have chosen the overall coding rate to be equal to $\frac{1}{2}$ and also LMMSE approach has been

exploited for channel estimation. Channel coding has drastically subsided BER for all schemes (while the relative trend has been maintained), nevertheless because of the redundancy imposed by the coding procedure, system throughput has been reduce to almost half of the uncoded throughput.

V. CONCLUSIONS

The contributions of three AM schemes to IEEE802.16a PHY utilizing two different channel estimation regimes, namely LS and LMMSE, have come under investigation in this paper. For the sake of comprehensiveness of the derived results, we have turned our attention to both coded and uncoded scenarios of PHY.

Our simulation results provide a basis for quantitative comparison of diverse AM schemes effect on BER and throughput performance of IEEE802.16a PHY. The insight attained by this kind of researches can play a key role in customizing a novel and promising technology such as IEEE802.16 for its future applications.

REFERENCES

- [1] D. Gubert et al., "Technologies and Performance for Non Line-of-Sight Broadband Wireless Access Networks", IEEE Commun. Mag., vol. 40, no. 4, Apr. 2002, pp. 86-95.
- [2] ITU Recommendation J.112 Annex B, "Radio transmission systems for fixed broadband wireless access based on cable modem standards".
- [3] IEEE802.16a, "Air Interface for Fixed Broadband Wireless Access Systems-Amendment 2: Medium Access Control Modifications and Additional Physical Layer Specifications for 2-11 GHz", April 2002.
- [4] IEEE802.16-2001, "IEEE Standard for Local and Metropolitan Area Networks - Part 16: Air Interface for Fixed Broadband Wireless Access Systems", April 2002.

- [5] SCTE DSS 00-05, "Data-Over-Cable Service Interface Specification (DOCSIS) SP-RP1v1.1-DS-000/14, "Radio Frequency Interface 1.1 Specification", July 2000
- [6] G.E. Oien et al, "Impact of channel prediction on adaptive coded modulation performance in rayleigh fading", *IEEE Trans. On Veh. Technol.*, Vol. 53, No. 3, May 2004, pp. 758-769
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- [10] L. Goldfeld, V. Lyandres & D. Wulich, "Minimum BER power loading for OFDM in fading channels", *IEEE Trans. Commun.*, Vol. 50, Nov. 2002, pp. 1729-1733
- [11] P.S. Chow et al, "A practical discrete multitone transceiver loading algorithm for data transmission over spectrally shaped channels", *IEEE Trans. Commun.*, Vol. 43, Feb/Mar/Apr 1995, pp. 773-775
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- [13] J. Torrance & L. Hanzo, "Optimization of switching levels for adaptive modulation in slow Rayleigh fading", *ELECTRONIC LETTERS*, Vol. 32, June 1996, pp. 1167-1169
- [14] J.G. Proakis, *Digital Communications*, McGraw-Hill, 3rd Ed., 1995
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- [16] V. Erceg et al, "Channel models for fixed wireless applications", Contribution to IEEE802.16.3, July 2001

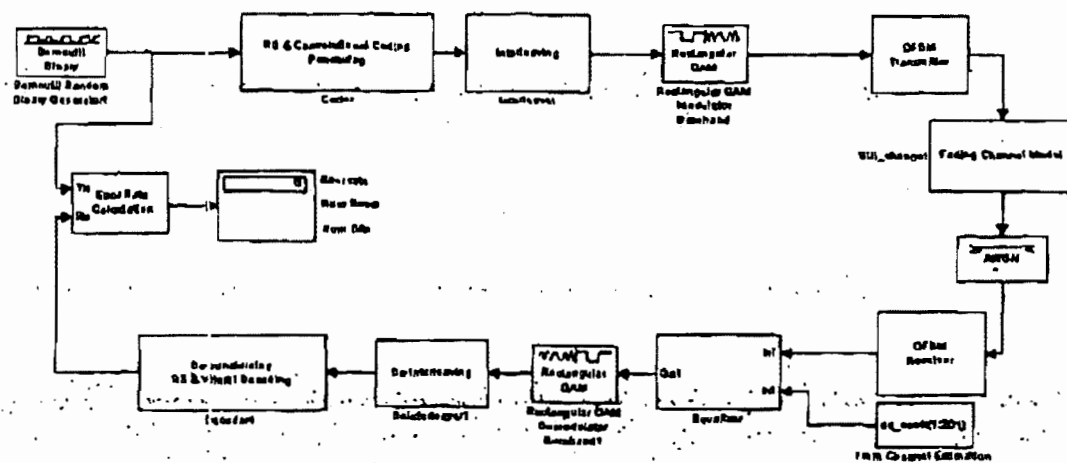


Figure 1: Block diagram of the simulated IEEE802.16a PHY

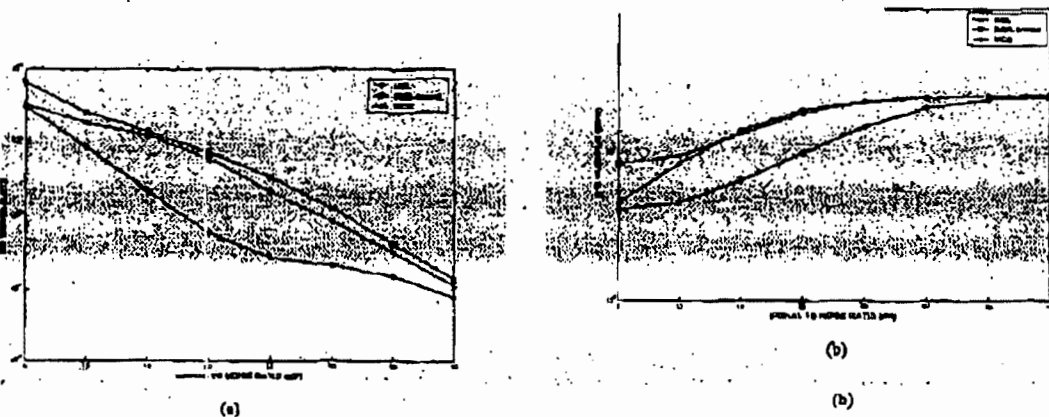


Figure 2: (a) BER and (b) throughput (bps) performances versus channel SNR (dB) for non-coded system employing LS channel estimation approach and different AM schemes

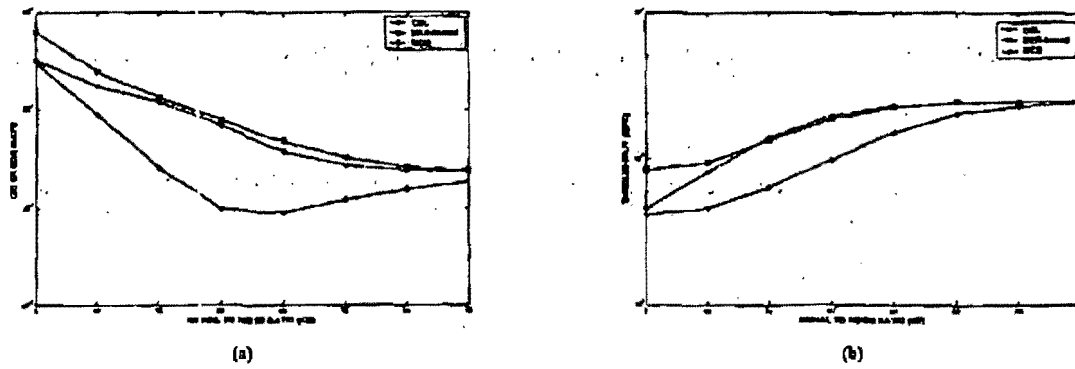


Figure 3: (a) BER and (b) throughput (bps) performances versus channel SNR (dB) for non-coded system employing LMMSE channel estimation approach and different AM schemes

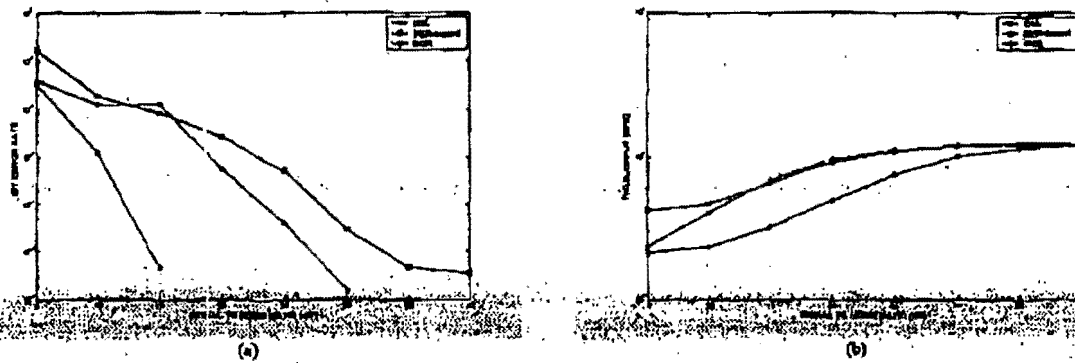


Figure 4: (a) BER and (b) throughput (bps) performances versus channel SNR (dB) for 1/2 rate coded system employing LMMSE channel estimation approach and different AM schemes



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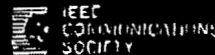
Towards the Era of Ubiquitous Networks

ICC 2005 Seoul, Korea

IEEE International Conference on Communications

16-20 May 2005, COEX Convention Center

Advance Program



Communication QoS, Reliability and Performance Modeling - Symposia

CQ13 - QoS and Wireless Network II

CQ13-1 Performance assessment of OFDM-based IEEE802.16 physical layer employing different channel adaptation regimes
Arash Aziminejad, Reza Ajlilohmani, Iran Telecommunications Research Center (ITRC), Farzad Arash, Tehran University
CQ13-2 Adaptive QoS Provisioning in Wireless Ad Hoc Networks: A Reinforcement Learning Approach

Daniel B. Yagan, Chen Khong Tham, National University of Singapore
CQ13-3 QoS Provisioning in IEEE 802.11 WLAN
Bryan Ng Cheng Kuan, Sze Wei Lee, Multimedia University Malaysia
CQ13-4 A Novel Multi-hop Architecture for Future Generations of Wireless Networks with Directive Antennas
Ahmed Safwat, Queen's University

Chair Stefano Giordano, University of Pisa
Wednesday, 18 May 2005, 15:50-17:20

CQ14 - Network Reliability and Security I

CQ14-1 Optimization of Resilient Packet Ring Networks Scheduling for MPEG-4 Video Streaming
Jian Zhu, Ashraf Matrawy, Ioannis Lambadaris, Carleton University, Mohsen Ashourian, Islamic Azad University of Iran-Majied Branch
CQ14-2 A Markov Chain Model for Local Path Protection in Mobile Optical Backbone Networks
Mehdi Kalantari Khandani, Fangting Sun, Mark Shayman, University of Maryland, College Park

CQ14-3 An Analytical Bound for Convergence of the Resilient Packet Ring Aggressive Mode Fairness Algorithm
Fredrik Davik, Simula Research Laboratory, Ericsson Research, University of Oslo, Arund Kvalheim, Stein Gjessing, Simula Research Laboratory
CQ14-4 A New Fairness Model for Resilient Packet Rings
Siavash Khorsandi, Arash Shokrani, Ioannis Lambadaris, Carleton University, Canada

Chair Keecheon Kim, Nextel Communications
Thursday, 19 May 2005, 09:00-12:30

CQ15 - Network Reliability and Security II

CQ15-1 Peer-to-Peer System-based Active Worm Attacks: Modeling and Analysis
Wei Yu, Cisco Systems Inc., Corey Buyer, Siram Chellappan, Dong Xuan, The Ohio State University
CQ15-2 A 10Gbit/s Wire-Speed Firewall System using Reconfigurable Processors
Masaru Katayama, NTT Network Service Systems Labs

CQ15-3 On Peer-to-Peer Client Web Cache Sharing
Jiangchuan Liu, Simon Fraser University, Xiaowen Chu, Hong Kong Baptist University
CQ15-4 Real-time detection and containment of network attacks using QoS Regulation
Seong Soo Kim, Texas A&M University

Chair Keecheon Kim, Nextel Communications
Thursday, 19 May 2005, 10:50-12:30

CQ16 - Performance Evaluation and Simulation I

CQ16-1 Stationary Behavior of TCP/AQM with Many Flows Under Aggressive Packet Marking
Do Young Eun, Xinbing Wang, North Carolina State University
CQ16-2 Efficient simulation of a queueing system fed by general ON/OFF inputs
Giovanni Iacovoni, Ericsson Lab Italy, Sals Nova Morsa, Carlat

CQ16-3 A Dynamic Simulation Approach to Business Continuity of Wireline and Wireless Networks with Cross-Industry Infrastructures
Gerard O'Reilly, Bell Laboratories, Lucent Technologies
CQ16-4 Performance of the Transport Layer Protocol for Diversity Communication Over the Clear Turbulent Atmospheric Optical Channel
Eddy Lee, Vincent Chan, Massachusetts Institute of Technology

Chair Do Young Eun, North Carolina State University
Thursday, 19 May 2005, 14:00-15:30

CQ17 - Performance Evaluation and Simulation II

CQ17-1 Design of AQM Controller for IP Routers Based on H-infinity SU MSP
Qiang Chen, Oliver Yang, University of Ottawa
CQ17-2 On Generalized Processor Sharing with Regulated Multimedia Traffic
Chaitat Ottamakon, Walidat University, Shiwen Mao, Virginia Polytechnic Institute and State University, Shivendra Panwar, Polytechnic University
CQ17-3 A Multiprocessor Architecture for

Passive Analysis of Network Traffic Focusing on Complex QoS Strategies
Armando Ferro, Igor Delgado, Fidel Liberal, Alejandro Munoz, University of the Basque Country
CQ17-4 An ON-OFF Multi-Rate Loss Model with a Mixture of Service-Classes of Finite and Infinite Number of Sources
Ioannis Moschopoulos, Michael Logothetis, Michael Kouklis, University of Patras

Chair Do Young Eun, North Carolina State University
Thursday, 19 May 2005, 15:50-17:20

The Institute of Electrical and Electronics Engineers, Inc.

Expense Report

Name: (b) (6), (b) (7)(C)

Send check to the following address:

Antenna & Radio (APRS) Group, Iran Telecommunication Research Center (TRC),
End of North Amirabad Street, Tehran, 14156-3981, Iran

For Period Ending:

Member of: Other

If Other, please describe:

Student

Provide details and full support
on items (1) through (7)

Purpose of Trip - Note each day's activity										
Attending Conference										
Attending Conference										
Attending Conference										
Attending Conference										
Preparing for Come back										
Date	Town	17-May-06	18-May-06	19-May-06	20-May-06	21-May-06			Total Expense	Chrg. Dr. to IEEE(7)
Details		Seoul	Seoul	Seoul	Seoul	Seoul				
Personal Auto Usage: (Enter "X")	KM Mile									
Mileage Allowance (\$.405 per mile, \$0.262 per Km) in US\$	X									
Trans. - Tolls & Parking										
Taxi/Bus - See Itemized Expenses (1)										
Plane, Train, Auto Rental (Provide Backup)										
Lodging - Self										
Meals/Self - see Itemized Expenses (2)										
Official Guest - see Itemized Expenses (3)										
Miscellaneous - Tel. & Telegraph										
Tips & Gratuities (4)										
Other (5)										
Other (6)										
Total Expense		767.00	97.00	66.00	57.00	23.00	0.00	0.00	1000.00	0.00
Total Expenses in US\$									1000.00	
Mileage Allowance in US\$									0.00	
Provide details below and attach full support on items 5, 6, & 7										
(6)		Less Charged Directly to IEEE in US\$							0.00	
(6)		Less Advance from IEEE in US\$							0.00	
(6)		Balance due from/to IEEE in US\$							1000.00	
(7)										
DISTRIBUTION TOTAL									0.00	
Member/Supplier No.	Originator's Signature:		Date:							
Approved By:	Approved By:		Date:							

2012-05-066_0100

Name: **(b) (6), (b) (7)(C)** For Period Ending: **00-Jan-00**

Itemized Expenses

Tax/Bus (1)

Note: receipts are required for amounts over \$25.00. Enter daily totals on page 1.

Date:	Fare:	To/From:
17-May-05		
18-May-05		
19-May-05		
20-May-05		
21-May-05		

Meals/Self (2)

Note: receipts are required for amounts over \$25.00.

Date:	Daily amounts are automatically carried over to page 1.			
	Breakfast	Lunch	Dinner	Social
17-May-05				
18-May-05				
19-May-05				
20-May-05				
21-May-05				
00-Jan-00				
00-Jan-00				

Meals/Official Guests (3)

Daily amounts are automatically carried over to page 1.

Date:	Amount:	Description
17-May-05		
18-May-05		
19-May-05		
20-May-05		
21-May-05		
00-Jan-00		
00-Jan-00		

Tips & Gratuities (4)

Note: Please provide receipts for tips & gratuities over \$25.00. Enter daily totals on page 1.

Date:	Amount:	Description

2012-05-06 0102

(b) (6), (b) (7)(C) 01:54 AM 5/28/2005, Information regarding the ICC Grant

Dear Mr. Rizep Alhanvati,

This is Housing Bureau for ICC 2005 in Seoul, Korea!
Thank you for your mail.

Regarding your request, I would confirm you as below.

1. Hotel : Seocho Coop Residence
2. Check in Date : May 17-19(2N)
3. Room Type : 1 Double Room (1 bed a room)
4. Total Payment
KRW85,000(Including tax) x 108L x 2N = KRW170,000
5. Payment Information
Card No. : Master Card (b) (6), (b) (7)(C)
- Expiry Date : 10/05
- Cardholder's Name (b) (6), (b) (7)(C)

Note : Transfer (Airport to Seocho Co-op Residence)

There would not direct shuttle bus, but you will be able to use bus
with #602, #600 in front of exit 3A or 11B and it brings you to Kyeongnam Express bus terminal near the this Hotel within one and half hour.
Finally you will be able to take a taxi with KRW3,000 fare.

Thank you,

Best Regards,

(b) (6), (b) (7)(C)

Assistant Coordinator
ICC 2005 Housing Bureau
PLAZA 21 TRAVEL SERVICE INC.
Tel : 82-2-354-1670
Fax : 82-2-354-1673

icc_loginq.jpg

(b) (6), (b) (7)(C)

July 6, 2005

VIA FEDERAL EXPRESS

Mr. Robert W. Werner
Director
Office of Foreign Assets Control
U.S. Department of the Treasury
Washington, DC 20220

Re: Case No. IA - 6489

Dear Mr. Werner:

On behalf of our client The Institute of Electrical and Electronics Engineers, Inc. (IEEE), I want to thank you and your colleagues for your guidance letter dated May 19, 2005. We have been studying this document with the leadership of IEEE, as it offers us a great deal of important information for the conduct of IEEE'S affairs vis-a-vis its members or other persons in the Sanctioned Countries.

In the future, we may have some follow-up questions for clarification of details within your letter. We also look forward to receipt of your further thoughts on conferences and meetings, as indicated at the bottom of your letter.

If there is any other information that IEEE can supply to OFAC to facilitate the conclusion of its analysis of the issues with respect to conferences and meetings, we would be glad to do so. Resolution of those issues may potentially affect many other scholarly groups and professional societies across the United States, and so we would be glad to bring together input for OFAC to ensure its judgment is informed and grounded on "real world" data from across that spectrum of associations, beyond what has been submitted by IEEE to date, if OFAC believes that would be helpful to conclusion of this process.

Yours truly,

(b) (6), (b) (7)(C)

cc: Arthur Winston, Ph.D., 2004 IEEE President
(b) (6), (b) (7)(C) Regional Activities



DORSEYTM
DORSEY & WHITNEY LLP

(b) (6), (b) (7)(C)

October 29, 2010

VIA FEDERAL EXPRESS

Mr. Adam Szubin, Director
Office of Foreign Assets Control
U.S. Treasury Department, Treasury Annex
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Re: IEEE Membership Issues

Dear Mr. Szubin:

I write to you as special outside counsel to The Institute of Electrical and Electronics Engineers, Incorporated ("IEEE"), a global non-profit professional association of electrical and electronics engineers, which has worked extensively in the past with the Office of Foreign Assets Control ("OFAC") in regard to the OFAC embargoes, particularly in the period of 2003 through 2005. In Case No. IA-6489, OFAC provided the IEEE with certain guidance in its letter dated May 9, 2005 ("May 2005 Ruling"). The IEEE now seeks from OFAC further clarification of the May 2005 Ruling and to pursue some of the questions left open by that ruling.

Before diving into the details, I also want to acknowledge the kind assistance that (b) (6) and (b) (6) in your office have already given to us in helping to shape the nature and content of this letter. These OFAC staff walked through an outline-level discussion of this letter on August 13 so we could do some additional work before its submission to you. Liz, in particular, has had prior background on these issues between the IEEE and OFAC dating back several years ago when they first emerged in dialogs had with Richard Newcomb and (b) (6) at OFAC.

The IEEE now seeks OFAC's concurrence in the IEEE's interpretation of: (i) the Cuban Assets Control Regulations (31 C.F.R. Part 515; "CACR"), the Iranian Transactions Regulations (31 C.F.R. Part 560; "ITR") and the Sudanese Sanctions Regulations (31 C.F.R. Part 538; "SSR") (collectively, "OFAC Embargoes"); and (ii) OFAC's published November 3, 2003 interpretive ruling in 031103-FACRL-IA-15 ("November 2003 Ruling") and the May 2005 Ruling, in regard to three specific categories of the IEEE's membership activities:

- membership recruitment;
- membership benefits; and
- cash honoraria.

(For OFAC's ease of reference, the November 2003 and May 2005 Rulings are attached to this letter as Exhibits A and B respectively.) More detailed explanations of how the IEEE interprets the OFAC Embargoes and the November 2003 and May 2005 Rulings, in each of these three categories, as to the IEEE's dealings with its members in Cuba, Iran and Sudan (collectively, "OFAC Sanctioned Countries") are set forth in Issue Appendices 1 through 3 attached to this letter, with supplementation in the exhibits.

DORSEY & WHITNEY LLP • WWW.DORSEY.COM • T 206.903.8800 • F 206.903.8820
COLUMBIA CENTER • 701 FIFTH AVENUE • SUITE 6100 • SEATTLE, WASHINGTON 98104-7043

2012-05-066_0105

USA CANADA EUROPE ASIA-PACIFIC

Mr. Adam Szubin, Director
October 29, 2010
Page 2



Although OFAC has dealt with the IEEE and the IEEE's issues for some time, it may still be beneficial for OFAC to recap some basic background information on the IEEE's mission and structure. The IEEE is an educational and scientific not-for-profit organization with its corporate offices in New York, New York and its operations center in Piscataway, New Jersey. Through its predecessor organizations, the IEEE dates back to 1884 and thus has been providing a network of scholarly and professional exchange and education among electrical and electronics engineers for over 125 years. The IEEE is the world's largest professional association advancing innovation and technological excellence for the benefit of humanity.

The IEEE is recognized by the Internal Revenue Service as a tax-exempt educational and scientific organization under Internal Revenue Code Section 501(c)(3). It has seven Technical Councils, 38 Societies, 324 Sections and 1,784 individual and Society Chapters with members in the United States and other countries. The IEEE also has 1,789 Student Branches at colleges and universities in 80 countries and 483 Student Branch Chapters. Today, the IEEE has approximately 383,000 members around the world. More detailed information on the IEEE may be found at its website, located at www.ieee.org. We have also attached to this letter as Exhibits C and D, respectively, a brochure on the IEEE and materials on its organizational structure. Exhibit D, in particular, helps to define IEEE-specific terms such as "Section," "Society" and "Technical Council."

The IEEE continues to be committed both to faithful compliance with applicable U.S. embargo laws and to protection of the legitimate rights and expectations of its entire world-wide membership, including, to the greatest extent possible, the rights of association and expression for its members in the OFAC Sanctioned Countries. The IEEE looks forward to engaging in a further dialogue with OFAC about its requests for guidance presented in the attached Issue Appendices and to furnishing OFAC with any additional information needed. If you have any questions or need more information, please contact me directly.

In addition, given the complexity and length of this request for guidance, we ask to meet with you and your staff in person (as we have done in the past when we have had such extensive questions) so we can have a confidential and candid exchange of information. As long and detailed as the Issue Appendices attached to this letter are, they still only scratch the surface of the factual details in the implementation of the IEEE's world-wide programs and activities, which affect over 383,000 active members and countless non-members in the global engineering community. We believe it would therefore be very useful to OFAC in shaping its policy judgments to have the fullest opportunity to talk with the IEEE's management so OFAC has all available facts necessary to understand the implications of the difficult questions raised in the attached Issue Appendices. Thank you again for your time and patience in dealing with our requests on behalf of the IEEE.

Yours truly

(b) (6), (b) (7)(C)

cc:

(b) (6), (b) (7)(C)

Issue Appendices

1 Membership Recruitment

- 1.1 IEEE Member-Get-A-Member Program**
- 1.2 Free Society Membership**
- 1.3 Membership Retention**

2 Membership Benefits

- 2.1 Technical Support for Participation in Online Programs**
- 2.2 Leadership Positions**
- 2.3 Participation in Contests Resulting in Development of New IEEE Products or Services**

3 Cash Honoraria

Exhibits

- A November 2003 Ruling**
- B May 2005 Ruling**
- C Brochure on the IEEE**
- D Materials Regarding the IEEE's Organizational Structure**
- E July 2004 Letter**
- F Summary of MGM Program**
- G Sample of MGM Program Referral Card**

October 29, 2010



ISSUE APPENDIX 1 – MEMBERSHIP RECRUITMENT

2012-05-066_0108

DORSEY & WHITNEY LLP

In its July 26, 2004 letter to OFAC ("July 2004 Letter"), the IEEE requested OFAC's guidance as to whether the IEEE's Iranian Section leadership could recruit dues-paying members in Iran for the IEEE on the same basis as would the leadership of any other national Section in its respective country. (A copy of the July 2004 Letter is attached to this letter as Exhibit E.) However, the IEEE did not provide any detailed examples of the recruiting efforts that would actually be performed by the Iranian Section and whether and how the IEEE itself might be involved in those efforts. Accordingly, in response, in the May 2005 Ruling, OFAC stated that it was unable to provide definitive guidance on such recruiting efforts in the OFAC Sanctioned Countries without such explanations from the IEEE. OFAC stated that it would provide further guidance "[u]pon receipt of a more detailed description of the proposal, including the method of recruitment, the parties that would be involved and the role that those parties would play, and a statement as to whether members in Iran would be eligible to receive any goods or services from IEEE other than exempt information or informational materials...."

Since the July 2004 Letter and OFAC's May 2005 Ruling, the IEEE has specifically identified three types of membership recruiting efforts that the IEEE hopes to be able to pursue in the OFAC Sanctioned Countries. Detailed descriptions of those recruiting efforts are set forth in sections 1.1 through 1.3 below.

1.1 IEEE Member-Get-A-Member Program

Over the years, the IEEE has found that its most potent marketing force is its own membership. The IEEE prides itself on having members who value their association with the organization and who know how beneficial IEEE membership is. The IEEE has been fortunate to have members who regularly recommend membership in the organization to their peers and colleagues. Although the IEEE does have member recruiting campaigns, because of these peer referrals by existing members, the IEEE does not need to devote as much time and money into recruitment as it might otherwise need to do.

To encourage more of its existing members to recruit new members, the IEEE has begun to offer a referring member certain awards based on the number of new members that referring member successfully recruits. The IEEE refers to this program as the IEEE Member-Get-A-Member Program ("MGM Program"). (A summary of the MGM Program is attached to this letter as Exhibit F.)

Under the MGM Program, for each new person that a referring member recruits, that member receives an "award" which can be used as a partial credit toward IEEE membership dues, IEEE Society membership fees or the purchase of IEEE products or educational programs (i.e., in OFAC terminology, "information and informational materials" such as IEEE books or copies of standards and educational seminars or courses). In reality, these "awards" are more like coupons because they are not redeemable for cash. Instead, the awards are only redeemable toward a member's own IEEE dues and Society fees or the purchase of IEEE products and educational programs. Further, the awards must be used in the membership year immediately following the one in which the award was earned. Thus, through the MGM Program, the IEEE is not giving its referring members any cash award as such but is merely discounting its membership dues or the cost of its IEEE publications or educational programs.

Alternatively, referring members eligible for these "awards" have the option to donate them to the IEEE Foundation. The IEEE Foundation is the philanthropic arm of the IEEE and was formed to foster and advance technological innovation and excellence to benefit humanity.

The IEEE Foundation is itself recognized by the Internal Revenue Service as a tax-exempt organization under Internal Revenue Code Section 501(c)(3) and its tax identification number is 23-7310664. (More information about the IEEE Foundation can be found at: www.ieee.org/organizations/foundation/index.html.) If a member opts to donate his or her award to the IEEE Foundation, instead of the IEEE issuing that member a "coupon" redeemable toward dues or IEEE products or educational programs, the IEEE instead places the monetary amount of that "coupon" in an account for the IEEE Foundation.

The MGM Program's award schedule varies from year to year but, during the 2010 membership year which ran from August 16, 2009 through August 15, 2010, the IEEE applied the following schedule:

- IEEE professional members in the United States paid an annual membership fee of US\$175¹ and received an award coupon of US\$15 for each new professional member recruited, with a maximum award amount of US\$90, representing six professional member recruits; and
- IEEE student members in the United States paid a membership fee of US\$32² and received an awarded discount of US\$2 for each student or graduate student member recruited and an awarded discount of US\$15 for each professional member recruited, with a maximum awarded discount amount of US\$90, representing 45 student or graduate student recruits, six professional member recruits or some combination thereof.

In addition to the above schedule, the top five recruiters in each IEEE geographic Region³ earn an additional non-cash award redeemable toward their dues or for the purchase of IEEE products or educational materials. (These recruiters may donate these additional awards, or any portion thereof, to the IEEE Foundation as detailed above.) Within each of the IEEE's ten Regions, five such awards are given to the local Sections of the top recruiters: first place – US\$500, second place – US\$400, third place – US\$300, fourth place – US\$200 and fifth place – US\$100.

To enable members to take part in the MGM Program, the IEEE gives all of its members four referral cards personalized with their name and member number in their membership welcome or annual renewal package. (A sample of such a referral card is attached to this letter as Exhibit G.) The IEEE also provides a PDF template of blank referral cards on its website that members can print and fill in on their own. The only other MGM Program support that the IEEE offers to its members is a posting on its website containing tips on recruiting new members (see www.ieee.org/web/membership/join/mgm.html). The IEEE also provides its local Sections with

¹ For the 2010 membership year, IEEE professional members in Canada paid a membership fee of either US\$159.70 or US\$170.42, IEEE professional members in Africa, Europe and the Middle East paid a membership fee of US\$147; IEEE professional members in Latin America paid a membership fee of US\$138 and IEEE professional members in Asia and the Pacific paid a membership fee of US\$139. During the 2010 membership year, the same award coupon schedule applied to IEEE professional members outside the United States.

² For the 2010 membership year, IEEE student members outside the United States paid a membership fee of US\$27. During the 2010 membership year, the same award coupon schedule applied to IEEE student members outside the United States.

³ The IEEE groups its Sections into ten geographic regions: Region 1, Northeastern United States; Region 2, Eastern United States; Region 3, Southeastern United States; Region 4, Central United States; Region 5, Southwestern United States; Region 6, Western United States; Region 7, Canada; Region 8, Europe, Middle East and Africa; Region 9, Latin America; and Region 10, Asia-Pacific.

MGM Program brochures and bumper stickers that the local Sections can then give to their members.

(a) Discounted Membership Dues

On page 2 of its November 2003 Ruling, OFAC stated that "[t]he extension of membership to and acceptance of annual dues from Iran in connection with receipt by Iran of the U.S. Entity's association publications and information would not be prohibited by the ITR." The November 2003 Ruling went on to state that "the amount of annual dues may exceed the value of the information and materials provided to the member, but please note that such dues may not be collected in exchange for the provision of any unauthorized services to members in Iran." The IEEE interprets the above-quoted language to mean that, as a non-profit organization, the IEEE can set its membership dues at any reasonably proportionate level to members in Iran, and by logical extension, in Cuba and Sudan as well.⁴ Thus, if the IEEE were offering a discounted membership fee to qualified IEEE members everywhere through its MGM Program, then the IEEE should be allowed to offer that same discount to qualified members in the OFAC Sanctioned Countries, since a discount of such nominal dues is effectively just another means of setting its own prices for its memberships in the IEEE or its Societies.

(b) Discounted Educational Materials or Programs

Further, any MGM Program awards used as a credit toward the purchase of IEEE products and educational programs would be within the exemption for transactions in "information and informational materials" and should also be allowed by the OFAC Embargoes. For instance, Section 560.210(c)(1) of the ITR⁵ clearly states that such materials – whether "commercial or otherwise" – are exempt, meaning that the OFAC Embargoes do not attempt to fix the pricing of such materials and a publisher is allowed to set its own rates or to give such materials away free of charge. The "publishing" general license found in each of the OFAC Embargoes is much to the same effect in terms of the commercial pricing latitude afforded a publisher or provider of such materials.⁶ Moreover, on page 3 of the November 2003 Ruling, OFAC expressly stated that its ruling therein on "information and informational materials" extends to "attendance by Iranian nationals at public education programs sponsored by the U.S. Entity" (so long as there were no prohibited services given to such attendees).⁷ Accordingly, the IEEE submits that its MGM Program awards resulting in discounts for IEEE's publications or programs are clearly encompassed within the IEEE's ability to set its own prices for such materials and are not prohibited by the OFAC Embargoes, just as the organization may set its dues structure.

⁴ Throughout this letter, we have assumed that OFAC seeks, wherever possible, to find a consistent interpretation across the different OFAC Embargoes, allowing for any clear textual inconsistencies. We note, for example, the May 2005 Ruling addressed not only Iran but all three of the OFAC Sanctioned Countries and, accordingly, we have taken the same approach in our logic and analysis in this letter.

⁵ See also 31 C.F.R. §§ 515.206(a)(1), 538.212(c)(1).

⁶ See 31 C.F.R. §§ 515.577, 538.529, 560.538.

⁷ The IEEE acknowledges that the November 2003 Ruling was limited to the ITR, but, because the November 2003 Ruling was based on the "information and informational materials" exemption that is identical in all of the OFAC Embargoes, the IEEE cannot see any reason the underlying logic would not also apply to the OFAC Embargoes with respect to Cuba or Sudan.

(c) Referral Cards, Recruiting Suggestions and Promotional Materials

Finally, to support its MGM Program, the IEEE provides its members with personalized referral cards, posts recruiting tips on its website and provides its local Sections with promotional materials of nominal value (e.g., brochures and bumper stickers) that can be given to members in those local Sections. These cards, tips and promotional materials all are themselves exempt "information and informational materials." By definition, giving such exempt materials to its members regarding the MGM Program should not be viewed as providing any sort of prohibited service to IEEE's members in the OFAC Sanctioned Countries.

Accordingly, the IEEE requests OFAC's confirmation that:

- Consistent with the OFAC Embargoes, the IEEE itself is not performing any prohibited service by giving non-cash credits and discounts to its members in the OFAC Sanctioned Countries through the MGM Program;
- Consistent with the OFAC Embargoes, the IEEE's members in the OFAC Sanctioned Countries are themselves not performing any prohibited service for the IEEE by seeking to earn non-cash credits and discounts for themselves through the MGM Program; and
- Consistent with the OFAC Embargoes, the IEEE may allow its members in the OFAC Sanctioned Countries to participate in the MGM Program and the IEEE can provide those members with the awards of non-cash credits and discounts as detailed above.

1.2 Free Society Membership

As noted above, the IEEE currently has 38 individual Societies that provide their members with publications, conferences, meetings and other specialized information and networking opportunities pertaining to their respective technical fields. These include:

IEEE Aerospace and Electronic Systems Society	IEEE Antennas and Propagation Society
IEEE Broadcast Technology Society	IEEE Circuits and Systems Society
IEEE Communications Society	IEEE Components, Packaging, and Manufacturing Technology Society
IEEE Computational Intelligence Society	IEEE Computer Society
IEEE Consumer Electronics Society	IEEE Control Systems Society
IEEE Dielectrics and Electrical Insulation Society	IEEE Education Society
IEEE Electromagnetic Compatibility Society	IEEE Electron Devices Society
IEEE Engineering in Medicine and Biology Society	IEEE Geoscience and Remote Sensing Society
IEEE Industrial Electronics Society	IEEE Industry Applications Society
IEEE Information Theory Society	IEEE Instrumentation and Measurement Society
IEEE Intelligent Transportation Systems Society	IEEE Magnetics Society
IEEE Microwave Theory and Techniques Society	IEEE Nuclear and Plasma Sciences Society
IEEE Oceanic Engineering Society	IEEE Photonics Society
IEEE Power & Energy Society	IEEE Power Electronics Society
IEEE Product Safety Engineering Society	IEEE Professional Communication Society
IEEE Reliability Society	IEEE Robotics & Automation Society
IEEE Signal Processing Society	IEEE Society on Social Implications of Technology
IEEE Solid-State Circuits Society	IEEE Systems, Man, and Cybernetics Society
IEEE Ultrasonics, Ferroelectrics, and Frequency Control Society	IEEE Vehicular Technology Society

Members of the IEEE can join any of these specialty Societies for a small incremental fee in addition to their regular IEEE membership fee. During the 2010 membership year, the annual fee to join an IEEE Society ranged from US\$10 to join the IEEE Components, Packaging and Manufacturing Technology Society to US\$50 to join the IEEE Computer Society. From time to time, various Societies within the IEEE may desire to increase their membership numbers and recruit new Society members. As a result, the IEEE may occasionally offer discounted or free membership in such Societies in an attempt to increase the membership numbers of those Societies. The IEEE therefore seeks to obtain OFAC's views on whether it may recruit new members for its Societies from its existing members, including those members in the OFAC Sanctioned Countries, through the specific methods outlined below. For avoidance of doubt, the IEEE is not asking about targeting members in the OFAC Sanctioned Countries as such (i.e., seeking only to recruit Cuban, Iranian or Sudanese members) but only whether, as part of broader outreach and marketing efforts aimed at a larger set of IEEE members, the IEEE may incidentally also contact members in the OFAC Sanctioned Countries as described below.

(a) Global Offers

To promote these discounts or free memberships, the IEEE runs various campaigns. For example, the IEEE may offer a discounted or free membership in one particular Society to anyone interested across the entire IEEE membership on a world-wide basis. The IEEE might notify its members of this by posting a notice on its website, sending a general all-member email or posting an ad in an IEEE publication. The IEEE might also use a telemarketer service to make individualized telephone calls to IEEE members to notify them of this discounted or free membership. These universal or global offers could include contacting IEEE members in the OFAC Sanctioned Countries.

(b) Regional Offers

As another example of such a campaign, the IEEE may offer a discounted or free membership in one or more Societies for IEEE members in a particular IEEE Region (e.g., Region 10, which is the Asia-Pacific region). The IEEE might notify its members in such a Region by sending a general email to all members within that Region, by putting an ad in an IEEE Regional publication or by using a telemarketer to make telephone calls to all IEEE members within the Region. These Region-wide contacts could include IEEE's members in a given OFAC Sanctioned Country that is within that IEEE Region (e.g., Iran and Sudan are both in the IEEE's Region 8 and Cuba is in the IEEE's Region 9).

(c) Targeted Offers

Still another example of such a membership development campaign might be the IEEE using an independent contractor to run targeted campaigns aimed at individual IEEE members based on their professional profile information. For example, the contractor, through its analysis of the IEEE's database of membership information, might see that an individual IEEE member has indicated on her membership form or directory listing that she is a biomedical engineer but that individual may not yet be a member of the IEEE's Engineering in Medicine and Biology Society. The contractor might then send that member an individualized email or mailing or call that member directly, encouraging her to take advantage of the benefits of joining that particular Society. By way of further example, such a contractor might target individual members in a particular Society who might be interested in joining a closely related society by sending out a mass email to all members of that Society or by reaching out to all such individuals on an individual basis like mentioned above. These targeted contacts could include IEEE members in the OFAC Sanctioned Countries.

Because the November 2003 Ruling indicated that a non-profit organization can charge whatever proportional membership dues it wants to charge, the IEEE interprets that ruling also to mean that the IEEE could charge whatever discounted or free Society membership fees that it so chooses. The IEEE submits that, to the extent general emails sent to all IEEE members or sent to all IEEE members in a particular Region or Society may reach members who are in the OFAC Sanctioned Countries, those communications are exempt "information and informational materials" under the OFAC Embargoes. Similarly, to the extent ads placed in particular IEEE publications may reach such members, those ads would also be exempt "information and informational materials" under the OFAC Embargoes.

The IEEE also believes that contacting individual members in the OFAC Sanctioned Countries through targeted telephone campaigns is an exempt "personal communication"⁸ under the ITR and the SSR because those OFAC Embargoes specifically exempt "telephonic communications" so long as they do "not involve the transfer of anything of value." The calls in these campaigns do not "transfer" anything at all; they merely inform the called member of the availability of a discounted membership or free membership, as the case may be, that is already available to the individual member. Such a phone call conveys exactly the same data as would an email or a posting to the IEEE website – factual information about the discounted or free membership offer that is available. The individual member may then accept or reject that offer, regardless of the means by which the offer has been delivered.

Accordingly, the IEEE requests OFAC's confirmation that:

- Consistent with the OFAC Embargoes, the IEEE may charge members in the OFAC Sanctioned Countries any reasonable and proportional membership dues that it so chooses for its various Societies, including discounted or free memberships;
- Consistent with the OFAC Embargoes, any general emails sent to all IEEE members, all IEEE members in a particular Region or all IEEE members in a particular Society or group of Societies or ads placed in particular IEEE publications that may be sent to members in the OFAC Sanctioned Countries about such discounted or free Society memberships would be exempt from the OFAC Embargoes as "information and informational materials;" and
- Consistent with the OFAC Embargoes, any targeted telephone campaign contacts made by or for the IEEE to its members in the OFAC Sanctioned Countries to boost Society memberships by conveying factual information about available discounted or free Society memberships would be exempt "personal communications" and, as such, would not be a prohibited service under the OFAC Embargoes.

⁸ See 31 C.F.R. §§ 538.212(a), 560.210(a). Though "personal communications" are not specifically exempted from the CACR, the IEEE cannot imagine any reason why such personal communications would be prohibited by the CACR.

1.3 Membership Retention

Because the IEEE is an organization of engineering professionals and because such professionals often have demanding careers, IEEE members sometimes inadvertently allow their memberships to lapse. (Some IEEE members may also cancel their membership or intentionally allow it to lapse.) The IEEE has found through experience that members who have allowed their membership to lapse for one reason or another often reactivate their membership if reminded of that fact. As a result, the IEEE has taken considerable efforts aimed at attracting back IEEE members whose memberships have lapsed.

To attract back such members, the IEEE internally generates a list of memberships that have lapsed and that have not been reactivated in 60 days. The IEEE contact center then sends an email or makes a telephone call to these individuals. As an added incentive to attract back these members, the IEEE typically offers a nominal discount (e.g., between US\$10 and US\$15) off the normal IEEE membership fee if they will reactivate their membership. The emails and telephone calls are aimed at all IEEE members who have allowed their memberships to lapse. However, at present, due to uncertainty about the reach of the OFAC Embargoes, the IEEE emails, but does not currently call, anyone who is known to be a member in one of the OFAC Sanctioned Countries.

When the IEEE contact center staff member contacts the individual with the lapsed membership, the staff member provides the individual with information that the individual's IEEE membership has lapsed, current information about the IEEE and information about various member benefits that might be of interest to the individual, based on the individual's apparent professional, educational or geographic background taken from the individual's previous membership data. As an alternative to these targeted emails or calls, the IEEE sometimes sends a mass email to all members who have allowed their memberships to lapse within a period of time (e.g., within the last 30 days).

The IEEE believes that any such generic mass emails or targeted emails to lapsed members in the OFAC Sanctioned Countries should be exempt "information and informational materials." The IEEE also submits that telemarketing calls placed to individuals in the OFAC Sanctioned Countries (whether such calls are targeted or random "mass" calls) would be exempt "personal communications" since they do not transfer anything of value but merely repeat information about the individual's lapsed membership and the various benefits attributable to membership that might be otherwise provided by email or correspondence. Since a paid membership in such a U.S. nonprofit organization has already been regarded by OFAC in the November 2003 Ruling as permissible under the OFAC Embargoes, the IEEE believes that any communication about the renewal or extension of such membership, regardless of its medium (e.g., through a letter, postcard, email, fax or phone call), should be equally permissible and should not be considered a prohibited "service" under the OFAC Embargoes.

Any other outcome would create huge logical inconsistencies. For example, if an engineer in an OFAC Sanctioned Country can become a member of a U.S. nonprofit organization and that organization can charge dues as a condition of such membership, the organization must be able to send an invoice to the individual and be able to deal with incorrect (under- or over-) payments of such dues or late dues. Those are all reasonably incidental transactions that arise from the premise of a legally permitted activity – the membership itself. If the U.S. organization can advertise and offer that membership in the first place to individuals in the OFAC Sanctioned Countries and can even enroll such members from those countries, there

is no rational basis to say that, in the case of a lapsed membership, the organization could not contact the individual by whatever means is most convenient to inquire if the individual might want to renew his or her membership, to re-explain the benefits of membership, and, if the person is interested, to extend that membership. These are all simply variations upon the basic theme of membership and not substantively different from sending an invoice for membership dues or checking up on an incorrect or late payment of such dues.

Accordingly, the IEEE requests OFAC's concurrence that:

- Consistent with the OFAC Embargoes, the IEEE may provide lapsed IEEE members in the OFAC Sanctioned Countries with mass or targeted emails regarding their membership lapse and the benefits of renewing their memberships, including, if available, a nominal discount to their membership dues, as species of exempt "information and informational materials" and such contacts would not be a prohibited service to those individuals under the OFAC Embargoes; and
- Consistent with the OFAC Embargoes, the IEEE may place direct telephone calls to lapsed IEEE members in the OFAC Sanctioned Countries regarding their membership lapse and the benefits of renewing their memberships, including, if available, a nominal discount to their membership dues, as species of exempt "personal communications" and such contacts would not be a prohibited service to those individuals under the OFAC Embargoes.

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ISSUE APPENDIX 2 – MEMBERSHIP BENEFITS

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DORSEY & WHITNEY LLP

This set of issues pertain to three distinct types of "benefits" accruing to IEEE members around the world. The IEEE desires to know if these benefits can also be provided to its members in the OFAC Sanctioned Countries.

2.1 Technical Support for Participation in Online Programs

As a professional association, the IEEE offers many educational opportunities to its members. Due to an increased focus on technology and cost-cutting in recent years, the IEEE has responded to the needs of its members who prefer online educational opportunities to traditional in-person programs by developing and offering more online educational and other programs. The IEEE therefore continues to spend much effort in developing and expanding its online programming and interactive content and is relying more and more upon the Internet as the medium of delivery for the IEEE's educational programs.

Among the many different formats of these IEEE online educational offerings are: (i) multimedia tutorials; (ii) webinars offering remote access to meetings, discussions and other professional development opportunities, usually scheduled at specific times, and then occasionally made available for review after the "live" date; (iii) podcasts which can be reviewed one by one or by subscription – usually for free – for ongoing participation; (iv) website or printable materials, such as printable Microsoft Word documents or PowerPoint presentations, available for online viewing or downloading; and (v) community event meetings in online locations such as "Second Life" where the IEEE has a location or other web-based meetings or discussions. (Items (i) through (v) above are referred to collectively as the "Online Programs" and each individual program as an "Online Program.")

Most of these Online Programs are offered to all IEEE members. Some are also offered to non-members. From time to time, Online Program participants experience minor technical difficulties that are fairly common for the Internet. For example, a program participant may not be able to view the web-based PowerPoint used in a particular Online Program or may not be able to hear the presenter of a live Online Program. Prior to any Online Program beginning or during any such Online Program, the IEEE notifies program participants, through a general email notice, of a technical support telephone number or email address to which participants can address their technical support questions. Technical specialists are then available to assist program participants in resolving such minor technical problems.

Ultimately, the content of the Online Programs is no different than that delivered at a live educational seminar, seen in a video recording or heard in an audio recording of a live seminar. In its November 2003 Ruling, OFAC stated that "attendance by Iranian nationals at public education programs sponsored" by a U.S. entity was permissible under the ITR. As outlined above, since the November 2003 Ruling was based on the "information and informational materials" exemption common to all the OFAC Embargoes, we believe the logic of that OFAC position would apply equally to Cuba and Sudan. Thus, the IEEE believes that the content of the Online Programs themselves clearly would be considered exempt "information and informational materials" under the OFAC Embargoes. Accordingly, the IEEE believes it may lawfully allow members or, as applicable, non-members in the OFAC Sanctioned Countries to participate in such Online Programs, just as they would be permitted to attend the live versions of such programs.

However, there is a separate question of whether OFAC might interpret the very minor technical support offered to all Online Program participants as some kind of "service" prohibited

by the OFAC Embargoes. In a published OFAC interpretive ruling in 031211-FARCL-IA-14, issued on December 11, 2003 ("December 2003 Ruling"), OFAC dealt with a U.S. provider of Internet-based listings of company data, including companies that might be based in Iran. On page 2 of the December 2003 Ruling, OFAC wrote to that provider:

With respect to your clarification concerning the nature of your online support to searchers of your database (as opposed to entities listed in your database), OFAC can confirm that such customer support would not be prohibited by the ITR, *unless the support were provided to persons in Iran.* (Emphasis supplied.)

Similarly, in another OFAC interpretive ruling in 030203-FACRL-IA-01, issued on February 3, 2003 ("February 2003 Ruling"), OFAC wrote a generic guidance in response to several inquiries about provision of access to electronic databases in connection with the export of "informational materials" to Iran. On page 2 of the February 2003 Ruling, OFAC wrote:

With regard to a U.S. person's provision of access to a database, the inclusion of an electric [*sic*] search function that does no more than search and sort the exempt information in the database is also exempt from the prohibitions of the ITR. This guidance is limited to *enabling access in Iran* to the database itself. This guidance does not address any additional product that may be offered in connection with the use of the database; nor does it apply to *technical support*, *customer support*, or any other services that might be provided. (Emphasis supplied.)

The IEEE submits that there are degrees of distinction about what "technical support" may mean in different contexts. Some forms of "technical support" are highly interactive and involve an extensive degree of help, advice and knowledge transfer to the person being helped and therefore can be legitimately considered "services" in their own right. In contrast, other forms of "technical support" may be extremely limited and may merely "enable access" (to use the terminology of the February 2003 Ruling) – such as ensuring that the user is using the correct URL or telephone number – without any independent substantive content. The latter forms of assistance are really the absolute minimum necessary to allow the user to see or receive what is legally allowed as exempt "information and informational materials." Such forms are analogous to giving the user a unique password or account number and then ensuring that the user correctly understood and used that password or account number. They are also analogous to a publisher calling a recipient of hard copy exempt materials to ensure that a hard-to-read handwritten address is understood accurately by the publisher before it tries to mail off those materials to that recipient.

If "technical support" may be understood as ranging over such a broad spectrum, then the IEEE respectfully submits that the highly limited "technical support" for its Online Programs is clearly at the low end of that spectrum and consists only of the barest essential assistance needed to ensure any participant can actually hear and see the exempt content of those programs that the participant is legally entitled to hear and see. In that regard, the IEEE hopes OFAC can take note of the following factors:

- The technician, in most cases, does not know where the participant is located, let alone the nationality of that participant. The present technical support structure for fielding these troubleshooting inquiries from participants in the Online Programs does not automatically identify the IP address of an emailed question or the telephone

number of a caller. In almost all instances, the contact between the participant and the technician is entirely anonymous, without any need for the technician to know or ask for the participant's identity since the people who call for such aid are self-limited to the signed-up participants in a given Online Program.

- The average time of interaction for most such inquiries from participants is less than five minutes, often less than three minutes. For example, a participant who says he cannot hear the sound portion of an Online Program might simply be advised to turn on his computer's speakers or to plug his earphones into the correct jack on his computer. These kinds of terse contacts are so brief and so inherently limited in nature that it would be illogical to characterize them in the same manner as substantive technical consultations.
- The technicians are not trained or knowledgeable in the substance of the Online Programs, so they cannot augment or amplify on the content of those programs, explain such content or even attempt to do so. Their sole function is to ensure each participant can see and hear the program through the electronic medium selected for that program, much as a secretary might check and type a foreign address carefully on a mailing label prior to sending off an envelope containing exempt printed materials so that it will properly reach its intended destination.

Furthermore, any telephone or electronic communication that takes place between an IEEE technician and a program participant ultimately appears to be akin to a "personal communication" that is exempt under Section 538.212(a) of the SSR and Section 560.210(a) of the ITR. This sort of contact does not transfer anything of value, in and of itself, but merely assures that the underlying exempt transaction – the provision of exempt "information and informational materials" – can take place as the parties intended.

Accordingly, the IEEE seeks confirmation from OFAC that:

- Consistent with the OFAC Embargoes, it can allow its technicians in the United States to assist all participants in its Online Programs, including those who may be in the OFAC Sanctioned Countries, because this highly circumscribed form of "technical support" is limited solely to the bare minimum necessary to assure proper communications connectivity for the participant to be able to take part in such a program, whose content is otherwise exempt from the OFAC Embargoes, or, in the words of the February 2003 Ruling, merely to "enable access" to the exempt content of those programs.

2.2 Leadership Positions

The IEEE is governed by three main bodies – the IEEE Board of Directors, the IEEE Executive Committee and the IEEE Assembly. The IEEE Board of Directors is further subdivided into 19 standing committees¹ and six major organizational units.² In addition, the IEEE has 38 Societies and seven Technical Councils.³ One normal right of all IEEE members is the right to be nominated and elected to serve on boards and committees of the IEEE's major organizational units and of the IEEE's Societies and Technical Councils and, if elected by their peers, to become officers or directors thereof (collectively, "IEEE Leadership Positions").

In the May 2005 Ruling, OFAC stated that individuals from the OFAC Sanctioned Countries could take part in standards development committees and task forces under the "publishing" general license established by OFAC in December 2004 and now incorporated into each of the OFAC Embargoes. We therefore ask OFAC to clarify its position on whether it is lawful under the OFAC Embargoes for IEEE members in the OFAC Sanctioned Countries to take part in these IEEE Leadership Positions if they volunteer, and are accepted by their peers, to do so.

As a specific example to illustrate this request, recently a student member from Iran was nominated to participate on the board of IEEE Women in Engineering ("IEEE WIE"). IEEE WIE is the largest international professional organization dedicated to promoting women engineers and scientists and to overcoming the historic gender discrimination that has hindered equal opportunity for women. The mission of IEEE WIE is to gather and disseminate information regarding the status of women and initiatives for, by and on behalf of women in engineering and science. Iran has historically placed women in a decidedly "second class" status and has only allowed such university-level engineering training for women in relatively recent times. Therefore, the IEEE hopes that OFAC would not prohibit the IEEE under the ITR from allowing this nominee to help further the advancement of women engineers in her native land by participating on the board of IEEE WIE.

Individual volunteers of the IEEE take on increasing roles and responsibilities as they move through a succession of higher level volunteer leadership positions. Being considered for a leadership role typically occurs after the individual has proven their involvement and commitment within their own geographic unit and has served on various committees. Once the individual has established himself as such he may be considered as a candidate for the higher IEEE offices via the IEEE Nominations and Appointments process ("N&A Process").

The N&A Process evaluates submitted nominations, recommends the most qualified persons willing to serve and increases the pool of qualified candidates for various positions at all

¹ The 19 committees are the Admissions and Advancement, Audit, Awards, Conferences, Employee Benefits and Compensation, Ethics and Member Conduct, Fellow, Finance, Governance, History, Insurance, Investment, Life Members, Marketing and Sales, New Initiatives, Nominations and Appointments, Strategic Planning, Tellers and Women in Engineering Committees.

² The six major organizational units are the IEEE Standards Association, the IEEE United States of America and the IEEE Educational Activities, Membership and Geographic Activities, Publication Services and Products, and Technical Activities Boards. The six major organizational units implement programs intended to serve and benefit IEEE members, the engineering and scientific communities and the general public. These major organizational units may organize and sponsor meetings, seminars, symposia, conferences and other programs on matters related to the interests of the units within their technical and geographic boundaries.

³ In the IEEE parlance, a "Technical Council" is a group of related Societies who may have overlapping technical interests.

levels of IEEE Boards and committees. Candidates typically begin volunteering at the local Section or Chapter level, then at the Region level, and then at the IEEE corporate level, often specializing in a certain area, such as Publications, Education or Technical Activities. The N&A Process is carried out by the IEEE Nominations and Appointments Committee and the organizational unit Nominations and Appointments Committees, which thoroughly review all nominations and require endorsements from other IEEE members. Individuals elected to or selected for IEEE leadership positions do not have access to any materials controlled for export under the United States export control laws and regulations, including the Export Administrative Regulations, the International Traffic in Arms Regulations, the export regulations administered by the U.S. Department of Energy under 10 C.F.R. Part 810 or the export regulations administered by the Nuclear Regulatory Commission under 10 C.F.R. Part 110.

The IEEE typically reimburses the travel costs for individuals elected to these Leadership Positions to attend their respective annual board meetings. In regard to payments of travel costs, the May 2005 Ruling made certain distinctions among each of the OFAC Embargoes:

- Under the ITR, the IEEE may pay travel-related costs of an Iranian national in connection with that person's participation in an awards ceremony in the United States on multiple grounds, including the general license in Section 560.505(a) and the exemption for transactions ordinarily incident to travel under Section 560.210(d). However, the May 2005 Ruling did not address travel to a destination that is not within the United States and also did not address a non-prize situation, such as an annual board meeting of a Society or Technical Council. It would appear to the IEEE that the Section 560.505(a) general license should not apply to travel to a non-U.S. venue, since, by its terms, that general license only covers services performed "in the United States." In contrast, the Section 560.210(d) exemption for travel-related transactions under the ITR seems to apply universally, since the exemption expressly states it covers "travel to or from any country." (Emphasis supplied.) The IEEE believes the Section 560.212(d) exemption should thus allow it to pay the travel costs for an Iranian individual elected to a Leadership Position to attend the annual board meeting of an organizational unit, Society or Technical Council.
- Under the SSR, OFAC indicated in its May 2005 Ruling that there is no limitation on cash transfers to Sudan as such, whether for travel or otherwise. Accordingly, it would seem the IEEE could reimburse the travel costs for a Sudanese national to attend the annual board meeting of an organizational unit, Society or Technical Council if that Sudanese individual were elected as a board member or officer thereof.
- Under the CACR, OFAC stated in its May 2005 Ruling that the Section 515.571 general license would allow use of a cash award or prize to be applied as reimbursement of travel expenses to a Cuban national to travel to, from and within the United States if that person held a valid U.S. Department of State visa to enter this country. However, by its terms, that CACR general license is limited only to travel to, from and within the United States and does not apply to travel to any other destination. The May 2005 Ruling seems to imply that reimbursement of travel expenses to destinations outside the United States is prohibited under the CACR, but the IEEE is not entirely clear on that point, particularly if the travel were to enable

the Cuban national to take part in an exempt activity involving the preparation, development or publication of exempt "information and informational materials."

Accordingly, the IEEE seeks OFAC's confirmation that:

- Consistent with the OFAC Embargoes, IEEE members from the OFAC Sanctioned Countries may take part as members of, and be nominated and elected to serve as officers and directors of, the IEEE's major organizational units and the IEEE's various Societies and Technical Councils; and
- Consistent with the OFAC Embargoes, the IEEE may reimburse such an individual's actual and reasonable travel costs related to the annual board meeting of the IEEE's major organizational units and the IEEE's various Societies and Technical Councils, regardless of the meeting's location in the world.

2.3 Participation in Contests Resulting in Development of New IEEE Products or Services

The IEEE offers a variety of awards, competitions and contests, many of which are directed specifically to IEEE student members. Participation by IEEE members in some of these award programs, competitions and contests may result in the development of a new IEEE product or service or other deliverable to the IEEE.

As one illustration of this process, each year, the IEEE's Student Activities Committee, which oversees the IEEE's student programs and activities of the IEEE's Student Branches, runs an annual website design contest. All IEEE Student Branches are eligible for the website design contest. However, currently, student members in the OFAC Sanctioned Countries are not eligible to participate in this contest because there are no IEEE-recognized Student Branches in any of those countries. Each eligible Student Branch may enter one website in this contest.

Judging is based on six criteria: website content, navigability, originality, overall presentation, portability and load time. Websites are first judged at a regional level. Each regional judging panel selects two or three websites, depending on the number of entries within an IEEE Region, to be judged at an international level by the IEEE Student Activities Committee. At the international level, prizes are awarded as follows: first prize – US\$1,000; second prize – US\$750; third prize – US\$500; and runners-up – US\$250. Customized award certificates are also given to the prize winning teams and the IEEE posts the names of the universities of the prize winning teams on the IEEE website. Additionally, all contest participants must agree to provide the IEEE with a deliverable that is the actual copyright use of the developed website and the IEEE ultimately posts direct links to the websites created by each of the prize winning teams. Because the prizes are effectively payments in exchange for the acquisition of copyrights created in the respective country, this form of contest appears to fit within the "assignment of intellectual property" authorization that is contained in each of the OFAC Embargoes.⁴ (The actual delivery of such payments might entail a requirement for use of third country banks.)

As another example, the IEEE President's "Change the World" Competition is open to student members who demonstrate excellence in the development, design and implementation of technology that can solve a life challenge for the benefit of humanity. The goal of the competition is to recognize and reward individual students or teams of students who identify a real-world problem and apply engineering, science, computing and leadership skills to solve it. The IEEE's Regional Student Activities Chairs rank the submissions from their Regions. The IEEE President then appoints a global judging committee and that judging committee reviews the rankings and selects the top 15 finalist projects that best meet the competition criteria. The winners are selected based on the results achieved and their impact on humanity or on a community.

Prizes of US\$10,000, US\$5,000 and US\$2,500 are given to the top three teams or individuals in the "Change the World" Competition. Leaders of teams or individuals whose entries are chosen for the top three prizes are invited to the IEEE's annual awards ceremony and the IEEE pays for roundtrip air travel and lodging for these winners. Additionally, each year the IEEE also awards up to five runner-up prizes of US\$1,000 each. Once an entry is submitted to the IEEE, the entry becomes the IEEE's property. By entering the competition, all

⁴ See 31 C.F.R. §§ 515.527, 538.514, 560.509.

participants consent to the IEEE's use of the information provided in the entries for marketing or sales promotion purposes without any attribution, identification, right of review or compensation.

The IEEE interprets the OFAC Embargoes such that any deliverable provided to the IEEE by any contest participant from an OFAC Sanctioned Country would be considered exempt as "information and informational materials" to the extent that that deliverable would be recorded on media of any kind, such as a video production, drawing, blueprint, paper, specification or source code. In addition, the IEEE believes that its prizes and any related travel for this competition seem to fall within the boundaries of the May 2005 Ruling and the "assignment of intellectual property rights" authorizations in each of the OFAC Embargoes, as cited above with respect to the annual website design contest.

Accordingly, the IEEE seeks OFAC's confirmation that:

- Consistent with the OFAC Embargoes, the IEEE may allow individual members in the OFAC Sanctioned Countries to participate in such IEEE award programs, competitions and contests;
- Consistent with the OFAC Embargoes, the IEEE may accept deliverables and the copyright assignments for such deliverables from individual members in the OFAC Sanctioned Countries as lawful transfers of intellectual property rights that can be owned and protected by U.S. persons; and
- Consistent with the OFAC Embargoes and in extension of the May 2005 Ruling, the IEEE may provide award winners from the OFAC Sanctioned Countries with the cash prizes (which are the legal consideration for assignments of their intellectual property rights in the submissions they have made in the deliverables) and their reasonable and actual travel reimbursements to attend the prize ceremonies, whether within or outside the United States, subject to any OFAC restrictions as to prohibited bank transfers under the OFAC Embargoes and the need to use third country banks for any actual cash transfers involved in the payment of those cash prizes to any award winners in the OFAC Sanctioned Countries.

October 29, 2010



ISSUE APPENDIX 3 – CASH HONORARIA

2012-05-066_0127

DORSEY & WHITNEY LLP

In its July 2004 letter (see Exhibit E), the IEEE provided OFAC with a detailed table of prizes and awards that the IEEE bestows on various members on an annual or regular basis. In the May 2005 Ruling, OFAC responded to the IEEE with extensive guidance as to what types of cash prizes were acceptable as awards to members in the OFAC Sanctioned Countries. From that May 2005 Ruling, the IEEE understands that it may give a nominal cash prize under US\$100 to prize-winning members in Iran and Sudan. The IEEE further understands that it may reimburse the actual and reasonable travel-related expenses of prize-winning Cuban nationals to attend any awards ceremony within the United States but may not give such a Cuban national any actual prize money. (Separately, OFAC has also given the IEEE specific approval to make a travel-related reimbursement to an Iranian student who attended an IEEE-sponsored Society event in North Korea to receive recognition for his prize-winning technical paper.)

Based on these previous communications with OFAC, the IEEE believes that it would need to apply to OFAC for specific licenses on a case-by-case basis if it wishes to select a person in Iran or Sudan to receive a cash prize in excess of US\$100 or a person in Cuba for a cash prize in any amount. The IEEE also understands that OFAC export license applications require significant preparation and documentation, and, after their submission, such applications may take up to several months to be decided by OFAC after consultations with other government agencies. This situation has put the IEEE in a difficult logistical quandary.

In almost every case for the prizes and awards detailed in the July 2004 Letter, the relevant IEEE awards committee initially meets to come up with a list of potential prize and award recipients. Then, over a several week period, full vetting of all nominees and their individual achievements takes place. This vetting usually includes an expert assessment of the worthiness of each nominee's technical or scientific contribution. The awards committee then reconvenes and votes on the winners of the prizes or awards. Often winners are selected a few days before the awards or prizes are publicly announced and bestowed on the recipients. As indicated in the July 2004 Letter, most such cash prizes and awards are fairly modest (e.g., US\$5,000 or less, with many under US\$1,500). Nonetheless, the winners appreciate the cash prizes and awards and the IEEE bestows the prizes and awards to signal the profession's respect and honor for each winner's engineering excellence.

As a result of this close timing in the selection of winners and in light of the OFAC licensing protocol necessary under the OFAC Embargoes, the IEEE has considered IEEE members in the OFAC Sanctioned Countries as effectively ineligible for any cash prizes or awards, regardless of their technical merit or achievements for several reasons:

- Announcing awards or prizes publicly that might then be ruled illegal to bestow is impossible to undertake as a matter of member relations;
- Treating co-winners of the same award or prize (especially if they might, for example, be co-authors of the same prize winning paper) in totally disparate ways based on their nationality is equally impossible in an international organization that is premised on technical excellence and achievement;
- It is irrational to invest thousands of dollars of precious nonprofit funds to pursue an uncertain OFAC license application if that transactional cost exceeds the entire sum of the prize or award to be given to the recipient; and

- The time frame from selection to announcement of winners is usually only days. As a result, even if the IEEE were willing and able to invest the time and effort to pursue an OFAC license, there would be no practical way to synchronize its processes and schedules with the typical OFAC individual license procedures.

To be clear, the IEEE does not anticipate that a significant number of members from the OFAC Sanctioned Countries would be nominated for, or ultimately win, any such prizes or awards. However, if the IEEE is trying to ensure that it welcomes and values all technical and scientific accomplishments on their own merits irrespective of the contributor's nationality (or other equally technically irrelevant factors such as an engineer's gender, ethnicity or religion), then the IEEE is at odds with its fundamental organizing and non-discriminatory principles in disallowing certain candidates for such prizes or awards merely because they are nationals of the OFAC Sanctioned Countries. Moreover, the IEEE believes it is a matter of U.S. national interest that the IEEE (and similar organizations) be able to reach out to engineers and engineering students in the OFAC Sanctioned Countries and connect them to the values and ideals of the global engineering community.

In light of its desire to honor its most basic values, the IEEE respectfully asks OFAC to reconsider the entire subject of prizes and awards given by nonprofit groups such as the IEEE and, as a matter of sound foreign policy, to treat such extraordinary recognitions based on merit (and perhaps only those below a certain reasonable dollar limit) separately from embargoed "transactions" under a new exemption or general license that would be put into each of the OFAC Embargoes.

The IEEE submits that allowing such nonprofit merit-based cash awards and prizes to be given freely and without U.S. Government licenses is more consistent with U.S. foreign policy interests than insisting, as seems to be OFAC's current policy, that each such award be individually approved by OFAC for multiple reasons:

- The OFAC Embargoes are applied to express disapproval of the OFAC Sanctioned Countries' governmental policies and the harsh treatment of their own populations. As the U.S. Government has often said, the U.S. policies are intended to deal with those repressive governments, not the peoples of those nations. Yet, OFAC placing restrictions against U.S. nonprofit groups who may be trying to recognize the outstanding achievement of Cuban musicians (e.g., the Buena Vista Social Club, whose recordings have been hailed all over the world) or of Iranian human rights activists (e.g., Shirin Ebadi, the 2003 winner of the Nobel Peace Prize) seems to send a very mixed signal, because these kinds of OFAC Embargo barriers only punish these accomplished individuals and not their governments, especially if the prize may actually be in recognition of their opposition to their own repressive governments (as was the case for Ms. Ebadi).¹
- Every such prize or award – by the very nature of the limitations placed upon U.S.-based tax exempt organizations under the Internal Revenue Code's Section 501(c)(3) – is intrinsically in furtherance of essentially pro-democratic and pro-

¹ There is another similar case, perhaps even more egregious, involving Aung San Suu Kyi, the winner of the 1991 Nobel Peace Prize, who has been held under house arrest for years in her native Burma (Myanmar). Innumerable organizations have recognized her courageous work to bring back democracy and the rule of law to her country, and numerous Presidents of the United States have repeatedly called for her release by the military dictators there.

humanitarian ideals. Announcing a U.S. award or prize to a citizen of such an OFAC Sanctioned Country challenges that repressive regime and forces that regime either to deny the ability of its own citizen to travel and receive such public recognition (as Iran initially tried to do with Ms. Ebadi and as the Cuban government has so often sought to do with its leading artists, authors and athletes) or else to face the public comparison between what the United States and the Free World allow and recognize as essential rights and freedoms versus what those authoritarian regimes impose upon their own people. It mattered hugely that Iran was ultimately forced to back down and allow Ms. Ebadi to go to Oslo, Norway to receive her Nobel Peace Prize. The controversy surrounding Ms. Ebadi's Nobel Peace Prize was in the news again in late November 2009 when it was reported that the Iranian authorities had confiscated her prize medal and suspended her access to the award monies given her in connection with the prize.²

- Such nonprofit cash prizes and awards are clearly not payment for "services rendered" or in the same category as any commercially-based transfers of funds to persons in the OFAC Sanctioned Countries. There is simply no such *quid pro quo* at all in regard to nonprofit group cash prizes and awards. Indeed, the OFAC Embargoes already allow recording artists, motion picture producers or book authors in the OFAC Sanctioned Countries to collect commercial payments for their copyrighted works from U.S. persons. If U.S. law will permit a steady and on-going flow of such U.S. commercial funds to such artists, producers or authors in the OFAC Sanctioned Countries,³ there should be no rational policy objection to what is likely to be a far smaller and one-time payment by a U.S. nonprofit group to those same or similarly situated persons in recognition of their outstanding work or achievements.
- As a matter of resource allocation within the federal government at a time of serious budget deficits and major international crises around the globe, it is not sound public policy to divert dozens of government officials to examine these kinds of awards and prizes on a case-by-case basis. U.S. income tax laws already restrict the ability of tax-exempt 501(c)(3) organizations in how they may disburse their funds, and most such organizations have limited resources to achieve their tax-exempt purposes. The rarity of worthy individuals in the OFAC Sanctioned Countries, combined with these legal and financial boundaries, will certainly assure that cash prizes and awards from such nonprofit groups to persons in the OFAC Sanctioned Countries will be few and far between. Creating an OFAC exemption or general license would thus not unleash a flood of such prizes or awards but should free up both government and nonprofit resources to be directed where each are most needed.
- Some of the greatest and most influential nonprofit or non-governmental organizations in the world were founded in and are based in the United States. Generally, the U.S. Government wants those organizations to be able to exert their substantial moral leadership and influence world-wide. Yet, each time that such an

² (Tim Pearce, *Ebadi Says Iran Court Suspends Bank Cash, Pension*, REUTERS, Nov. 28, 2009 at <http://www.reuters.com/article/latestCrisis/idUSGEE5AR07K>.) Iran subsequently denied confiscating the medal and monies, claiming instead (despite Iranian tax laws that appear to exempt her prize monies) that Ms. Ebadi's assets were simply frozen because of her alleged failure to pay Iranian income taxes on her Nobel prize monies. (Azadeh Moaveni, *Why Iran Is Targeting Nobel Winner Ebadi*, TIME, Nov. 30, 2009 at <http://www.time.com/time/world/article/0,8599,1943400,00.html?xid=rss-topstories>.)

³ See 31 C.F.R. §§ 515.527, 538.514, 560.509.

organization is forced to draw lines that appear to violate their own charters and their own stated universalist values, the world is reminded that these are "American" groups who may be beholden to U.S. Government direction or permission. These groups are then, to that extent, immediately hobbled and made to appear less legitimate in the eyes of their detractors and those who would seek to diminish U.S. influence and leadership in the world. In particular, if those groups announce they have cash prizes or awards that are available to persons around the world based on specific criteria of excellence or accomplishment in a given field, forcing those groups to draw artificial lines around each of the OFAC Sanctioned Countries creates enormous tensions and apparent contradictions that are wholly disproportionate to any "gain" that might be achieved.

- Invariably, in an age of bloggers and sound bites, if a U.S. nonprofit group were to apply to OFAC for permission to give a merit-based cash prize or award to a person in an OFAC Sanctioned Country and then OFAC delays or denies that permission, the U.S. Government will lose the public (and world) relations battle. To deny a cash prize of, say, US\$5,000 to a worthy Iranian engineer, Sudanese recording artist or Cuban poet would almost certainly make the United States seem mean-spirited and hypocritical. (OFAC may recall its own acute dilemma when it first appeared that Ms. Ibadi, the 2003 Nobel Peace Prize winner, would not be allowed under the ITR to hire a literary agent to market her own poignant and inspirational autobiography so it could be published in English to the American people. In the end, OFAC's "publishing" general license mooted that entire controversy and the federal lawsuit filed on her behalf. We suggest that a very similar solution of an exemption or general license for nonprofit cash prizes and awards could similarly deflect such cases from being drawn into the OFAC machinery and creating embarrassing media moments that would only stain the image of the United States.)

If OFAC desires, the IEEE can bring to OFAC a representative group of leading American nonprofit groups to help shape the contours of such an exemption or general license so that it could be effectively managed and limited. As an initial outline, the IEEE offers these ideas for consideration and dialogue with OFAC: (1) the awarding entity would have to be a tax-exempt 501(c)(3) group already recognized by the Internal Revenue Service; (2) the prize or award would have to be made universally available to qualified nominees from around the world; (3) the criteria for the prize or award would have to be based on merit, excellence or accomplishment within the field of that awarding entity and consistent with the stated purposes of its IRS tax exemption; and (4) the amount of the cash prize would have to be under US\$100,000. If the exemption or general license were subject to such objective boundaries, OFAC should be able to rest easy that it would not be abused and yet the American nonprofit community could move forward to serve its own stated agenda of public service. For the IEEE itself, such an exemption or general license would clearly cover all of its cash prizes and awards and simply remove this subject from dispute or controversy, for which it would be very grateful and appreciative to OFAC.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

Case No. IA-8039

AUG 1 2006

(b) (6), (b) (7)(C)

Dorsey & Whitney LLP
U.S. Bank Centre
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010

Dear (b) (6), (b) (7)(C)

This responds to your letter of December 6, 2005, to the Treasury Department's Office of Foreign Assets Control ("OFAC") on behalf of the Institute of Electrical and Electronics Engineers, Inc. ("IEEE"), a non-profit society of engineers, regarding the application of the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITR"), to transactions involving the presentation of a prize-winning technical paper by an Iranian national at an international conference. You state that the IEEE Communications Society (ComSoc), a key operating unit of the IEEE, invited (b) (6), (b) (7)(C) a communications engineering student at K.N. Toosi University of Technology and a collaborator at the Iran Telecommunications Research Center in Tehran, Iran to present his paper entitled "Performance assessment of OFDM-based IEEE802.16 physical layer employing different channel adaptation regimes" at a ComSoc conference held in Seoul, South Korea in May of 2005. You also state that it is ComSoc's policy to award a stipend as a prize to a student selected to present a paper at a conference for use in covering out-of-pocket expenses incurred by the student while attending the conference. In this instance, you report that Mr. (b) (6), (b) (7)(C) has incurred USD 1,000 in travel-related expenses while attending the conference in Seoul. Therefore, you request confirmation from OFAC that the IEEE may arrange a funds transfer of an amount up to USD 1,000 to a foreign bank account in order to reimburse (b) (6), (b) (7)(C) for his travel expenses related to attending the May 2005 ComSoc conference in Seoul, South Korea.

Section 560.204 of the ITR prohibits the exportation, re-exportation, sale, or supply, of any goods, technology, or services directly or indirectly, from the United States or by a United States person, wherever located, to Iran or the Government of Iran except for information or informational materials. In addition, you should be aware that the prohibitions contained in § 560.204 apply to services performed in the United States or outside the United States by a U.S. person. They also apply to services performed on behalf of a person in Iran or the Government of Iran or where the benefit of such services is otherwise received in Iran. The benefit of services performed anywhere in the world on behalf of the Government of Iran is presumed to be received in Iran. ITR, § 560.410. Finally, U.S. persons, wherever located, are prohibited from engaging in any transaction or dealing in or related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran. ITR, § 560.206(a)(2).

The prohibitions contained in the ITR do not apply to transactions ordinarily incident to travel to or from any country. ITR, § 560.210(d). Therefore, no license is required for the IEEE to reimburse the travel, hotel and food expenses (b) (6), (b) (7)(C) related to his attendance at the ComSoc conference in Seoul, South Korea provided that the transfer of funds does not involve debiting or crediting an Iranian account. See ITR, § 560.516.

If the IEEE has any additional questions concerning this matter, please feel free to contact our office at (202) 622-2480.

Sincerely,

Barbara C. Hammerle

Barbara C. Hammerle
Acting Director
Office of Foreign Assets Control

(b) (6), (b) (7)(C)

December 6, 2005

VIA FEDERAL EXPRESS

David Mills
Chief, Licensing Division
Office of Foreign Assets Control, U.S.
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

Re: Request for OFAC Approval of fund transfer to Iran

Dear Mr. Mills:

On May 9, 2005, OFAC sent me a letter ("May 9 OFAC Letter") (attached as Exhibit A) to reply to a number of questions raised by our law firm on behalf of our client, The Institute of Electrical and Electronics Engineers, Inc. (IEEE), a large non-profit society of engineers. We now have a specific situation involving IEEE and an engineering student in Iran for which we request OFAC's confirmation of a portion of the May 9 OFAC Letter in regard to travel reimbursements.

One key operating unit of IEEE is the IEEE Communications Society (ComSoc). Its website is at: www.comsoc.org. The official mission statement for ComSoc states that it:

promotes the advancement of science, technology and applications in communications and related disciplines. It fosters presentation and exchange of information among its members and the technical community throughout the world. The Society maintains the highest standard of professionalism and technical competency.

As with many such bodies, ComSoc regularly sponsors competitions for the best technical papers submitted by members, and some of these competitions are limited to communications engineering students. In summary, ComSoc will invite competing students from around the world to submit original technical papers to be considered. A ComSoc committee of communications engineers, typically including individuals of some eminence in government, industry and academia, will then grade and evaluate the competing papers. The ComSoc committee will then select some number of the best papers to be presented at a future ComSoc conference and to be officially published by IEEE in its conference proceedings. To have one's student paper selected and presented at such a ComSoc meeting is viewed as an honor and major education and professional accomplishment for the student.

On March 18, 2005, ComSoc selected as one of the best papers in one such student competition entitled "Performance assessment of OFDM-based IEEE802.16 physical layer

(b) (6)

December 6, 2005

Page 2

employing different channel adaptation regimes" that was written by three individuals, including (b) (6), (b) (7)(C) a communications engineering student at K.N. Toosi University of Technology and a collaborator at the Iran Telecommunications Research Center in Tehran, Iran. A copy of the paper is attached to this letter as Exhibit B. (b) (6), (b) (7)(C) was invited to present his prize paper at a ComSoc conference on May 17, 2005, held in Seoul, Korea. A copy of the conference agenda, including a reference to (b) (6), (b) (7)(C) paper, is attached to this letter as Exhibit C. The paper was one of four such papers presented in session CQ13 ("QoS and Wireless Network II"), held on the afternoon of May 18, 2005, and chaired by Stefano Giordano of the University of Pisa in Italy. See page 31 of Exhibit C for the entry relating to this paper.

It is normally ComSoc's policy to award a student as a prize a stipend to cover the actual out-of-pocket expenses incurred by the student to attend such a conference and to present his or her paper to the conference. (b) (6), (b) (7)(C) did, in fact, attend the above ComSoc conference in Korea and did present the paper attached as Exhibit B in the symposium session noted in Exhibit C. An itemization of (b) (6), (b) (7)(C) travel expenses is attached to this letter as Exhibit D, which total US\$1,000.

On page 2 of the May 9 OFAC Letter, OFAC said:

IEEE may use a portion or the entire cash prize or award to pay for transactions normally incident to the travel of an Iranian citizen or national in connection with that person's participation in an IEEE awards ceremony in the U.S. ... Payment of any cash prize or award in excess of the amounts necessary to engage in travel-related transactions would be prohibited by ITR § 560.204 unless specifically licensed.

Based upon the facts and circumstances of this student's selection to present his technical paper at the ComSoc conference in Korea and on the foregoing ruling from OFAC in the May 9 OFAC Letter, IEEE, on behalf of its operating unit ComSoc, now requests written confirmation from OFAC that it may reimburse (b) (6), (b) (7)(C) the sum of US\$1000 for his actual travel expenses incurred to attend that conference and to present his paper. To the best of IEEE's information, based on its review of his receipts and the tabulation in Exhibit D, no part of this money is in excess of his actual and reasonable out-of-pocket expenses that were "necessary to engage in travel-related transactions." Inasmuch as this conference was held in Korea and not "in the United States," IEEE did not believe that the May 9 OFAC Letter, in and of itself, was sufficient authority upon which to make such a payment to the student absent a new OFAC confirmation.

IEEE is aware of the restrictions imposed by ITR § 560.516 in regard to the means of payment to a person in Iran. If OFAC confirms its permission for IEEE to make this payment for actual travel expenses, IEEE will do so in a manner consistent with ITR § 560.516. IEEE does request a formal letter from OFAC confirming that, consistent with ITR § 560.516, it may arrange a fund transfer of US\$1,000 to a foreign bank account so

(b) (6)
December 6, 2005
Page 3

as to be able to reimburse (b) (6), (b) (7)(C) for his travel expenses to attend the May 2005 ComSoc conference in Seoul, Korea, and to present his prize-winning technical paper at that meeting.

If you have any questions about this request, please contact me at (b) (6). We would be glad to furnish any other documentation you may require to process this request. Thank you.

Yours truly,

(b) (6), (b) (7)(C)

Counsel for IEEE

Attachments

Exhibit A	May 9, 2005 OFAC letter
Exhibit B	Student Paper (b) (6), (b) (7)(C)
Exhibit C	IEEE Computer Society Korean Conference Agenda, May 2005
Exhibit D	Student Travel Expenses to Attend Korean Conference, May 2005

Exhibit A May 9, 2005 OFAC letter

2012-05-066_0137



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MAY 9 2005

Case No. IA-6489

(b) (6), (b) (7)(C)

Dorsey & Whitney LLP
U.S. Bank Centre
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010

Dear (b) (6), (b) (7)(C):

This responds to your letters of July 26, 2004, and January 20, 2005, on behalf of the Institute of Electrical and Electronics Engineers, Inc. ("IEEE"), an educational and scientific not-for-profit organization, requesting an interpretation of the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITR"), the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), and the Sudanese Sanctions Regulations, 31 C.F.R. Part 538 (the "SSR"), with regard to five categories of IEEE's membership activities as they relate to Iran, Cuba and Sudan¹ (the "Sanctioned Countries").

New General License Applicable to Standards Development and Joint Works

With respect to your request for guidance on matters relating to standards development and collaboration on joint works (categories 2 and 5 of your July 26 letter), please be advised that the activities that you describe in your letter appear to fall within the scope of those activities authorized under the General Licenses issued by OFAC on December 17, 2004 (Federal Register notice attached). Please contact us with any questions that you may have with respect to how the General Licenses might apply to IEEE's activities.

Prizes and Awards

The first category of IEEE member activities for which you seek guidance is prizes and awards given out at several levels within the IEEE structure to members and non-member individuals who meet established eligibility criteria. You explain that prizes and awards are intended to advance IEEE's mission and there is no payment for services provided or other contractual relationship expected by the recipient. IEEE bestows prizes and awards on recipients in the form of congratulatory letters, certificates, medals, replicas, sculptures, plaques and cash. Money for an individual award can be distributed in the form of travel expense reimbursement so that the award recipient is able to attend an awards ceremony. You also state that any cash award or prize bestowed upon a person residing in one of the Sanctioned Countries would occur outside of that Sanctioned Country.

¹ Pursuant to Executive Order 13357 of September 20, 2004, the Libyan Sanctions Regulations, 31 C.F.R. Part 550, have been lifted effective September 21, 2004. Accordingly, the transactions by U.S. persons described in your letter are no longer subject to the prohibitions of the LSR.

2012-05-066_0138

Congratulatory letters and certificates awarded by IEEE to persons residing in Iran, Cuba or Sudan constitute informational materials exempt from the prohibitions of the ITR, the CACR and the SSR under ITR §560.210(c), CACR §515.206(a) and SSR § 538.211(c), respectively. With regard to the other non-cash prizes and awards described in your letter that are bestowed upon a person residing in Iran or Sudan, we would regard such transactions to be authorized under ITR § 560.506 and SSR § 538.510, which authorize the exportation from the United States to Iran and Sudan, respectively, of goods sent as gifts to persons provided that the value of the gift is not more than \$100; the goods are of a type and in quantities normally given as gifts between individuals; and the goods are not controlled for chemical and biological weapons, missile technology, national security, or nuclear proliferation on the Commerce Control List. See the Export Administration Regulations, 15 C.F.R. parts 730 *et seq.* (the "EAR"), which are administered by the Bureau of Industry and Security of the U.S. Department of Commerce. The bestowing of non-cash prizes and awards other than informational materials upon Cuban nationals would be prohibited unless specifically licensed or otherwise authorized by the U.S. Department of Commerce under the EAR. CACR, §515.533(a).

IEEE's bestowing of cash prizes and awards in a third country to persons residing in Iran would be prohibited by § 560.204 of the ITR unless specifically licensed. With regard to the bestowing of cash prizes and awards in the United States to persons residing in Iran, the ITR provides a general license authorizing the importation of, or other dealing in, Iranian-origin services, respectively, where such services are performed in the United States by an Iranian citizen or national for the purpose of, or which directly relate to, participating in a public conference, performance, exhibition or similar event, and such services are consistent with that purpose. In addition, transactions ordinarily incident to travel are also exempt from the prohibitions of the ITR. ITR, § 560.210(d). Accordingly, IEEE may use a portion or the entire cash prize or award to pay for transactions normally incident to the travel of an Iranian citizen or national in connection with that person's participation in an IEEE awards ceremony in the U.S., provided a visa to engage in such activity has been granted by the U.S. Department of State. ITR, § 560.505. Payment of any cash prize or award in excess of the amounts necessary to engage in travel-related transactions would be prohibited by ITR § 560.204 unless specifically licensed.

Because SSR § 538.413 provides that the transfer of funds from the United States to Sudan does not constitute a prohibited exportation of services, IEEE would not be prohibited from transferring a cash award from a U.S. account to a person residing in Sudan.

Persons subject to U.S. jurisdiction are prohibited from giving a cash prize or award to a Cuban national. However, CACR § 515.571 provides a general license authorizing persons subject to U.S. jurisdiction to engage in certain transactions incident to travel to, from and within the United States by Cuban nationals who enter the United States from Cuba on a visa issued by the U.S. Department of State. These transactions include paying for the Cuban national's travel between the U.S. and Cuba and for the Cuban national's living and maintenance expenses within the United States. Since CACR § 515.571(a)(5)(i) provides that receipt by Cuban nationals of compensation in excess of

amounts covering living expenses and the acquisition of goods for personal consumption is prohibited, any cash prize or award given by a person subject to U.S. jurisdiction to a Cuban national beyond payment of the Cuban national's travel-related expenses as described above would be prohibited.

Local IEEE Unit in Iran

A second category of IEEE membership activities for which you seek guidance is an existing IEEE local unit in Iran. You explain that IEEE has many subordinate groups of members, organized both by geographic locale and by fields of technical interest, further organized by Sections, Society Chapters, etc., in various countries. IEEE chartered a Section in Iran on February 13, 1970, prior to the imposition of U.S. economic sanctions on Iran, and you request confirmation that IEEE may treat this Section as a valid and legitimate IEEE Section, provided IEEE does not provide any services to that Section that are prohibited by ITR § 560.204.

We would regard IEEE's proposed activities described in your letter involving its Section in Iran that are undertaken in like manner with IEEE's other Sections, including sending Section-related notices, bulletins, memoranda, letters, etc. to the Iranian Section leadership; publishing in its IEEE Section directory information such as the names, addresses and phone numbers of the Iranian Section leadership; sending printed or electronic materials regarding conference, meetings and symposia, including invitations for the Section leadership to attend meetings outside the Sanctioned Countries; and allowing the Iranian Section leadership, under its own initiative, to organize local educational events within Iran such as meetings, conferences and educational symposia without any external direction, support or services from IEEE to be transactions exempt from the prohibitions of the ITR, provided no goods, technical data or other services are directly or indirectly provided by IEEE or other U.S. persons to Iran.

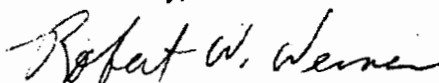
IEEE's compiling and distributing membership directories and lists of dues-paying members in Iran to its Iranian Section leadership at their behest would constitute the provision of services to produce informational materials that is not exempt under ITR § 560.210(c) and thus would be prohibited unless specifically licensed. Provided that no U.S. persons directed, authorized or otherwise participated in the activity, the compiling and distributing of membership directories of Iranian members by the leadership of the Iranian Section would not entail a prohibition of the ITR.

We are unable to provide definitive guidance on your proposal to permit the Iranian Section leadership to recruit dues-paying members in Iran for IEEE, as you do not describe the types of activities that would be undertaken in connection with such transactions, nor do you explain the extent to which IEEE would directly or indirectly facilitate such transactions. Without further information, it would appear that the recruitment of new members in Iran for IEEE would entail the importation of a service that would be prohibited without a license. Upon receipt of a more detailed description of the proposal, including the method of recruitment, the parties that would be involved and the role that those parties would play, and a statement as to whether members in Iran

would be eligible to receive any goods or services from IEEE other than exempt information and informational materials, we would be pleased to provide you with further guidance.

We are still addressing the issues raised with respect to your request for guidance on conferences and meetings and we will provide our response to those issues at a later date. Finally, for future questions with regard to membership issues involving sanctioned countries, we suggest you refer to our web site at www.treas.gov/ofac, to determine whether there have been any changes to applicable regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert W. Werner".

Robert W. Werner
Director
Office of Foreign Assets Control

Approved: December 7, 2004.
 Mark M. Matthews,
Deputy Commissioner for Services and Enforcement.
 Gregory F. Jenner,
Acting Assistant Secretary of the Treasury (Tax Policy).
 [FR Doc. 04-27294 Filed 12-16-04; 8:45 am]
 BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 515, 538 and 530

Cuban Assets Control Regulations, Sudanese Sanctions Regulations, and Iranian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.
ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control ("OFAC") of the U.S. Department of the Treasury is revising the Cuban Assets Control Regulations, the Sudanese Sanctions Regulations, and the Iranian Transactions Regulations to add general licenses pertaining to certain publishing activities.

DATES: *Effective Date:* December 17, 2004. Comments may be submitted at any time.

ADDRESSES: You may submit comments by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Agency Web Site: <http://www.treas.gov/offices/enforcement/ofac/comment.html>.
- Fax: Chief of Records, 202/622-1657.
- Mail: Chief of Records, ATTN: Request for Comments, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Instructions: All submissions received must include the agency name and the FR Doc. number that appears at the end of this document. Comments received will be posted without change to <http://www.treas.gov/ofac>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document. To read background documents or comments received, go to <http://www.treas.gov/ofac>.

FOR FURTHER INFORMATION CONTACT: Chief of Policy Planning and Program

Management, tel. 202/622-2500, Chief of Licensing, tel.: 202/622-2480, Chief of Compliance, tel. 202/622-2490, or Chief Counsel, tel.: 202/622-2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This file is available for download without charge in ASCII and Adobe Acrobat readable (*.PDF) formats at GPO Access. GPO Access supports HTTP, FTP, and Telnet at fedbbs.access.gpo.gov. It may also be accessed by modem dialup at 202/512-1387 followed by typing "/GO/FAC." Paper copies of this document can be obtained by calling the Government Printing Office at 202/512-1530. This document and additional information concerning the programs of the Office of Foreign Assets Control are available for downloading from the Office's Internet Home Page: <http://www.treas.gov/ofac>, or via FTP at ofacftp.treas.gov. Facsimiles of information are available through the Office's 24-hour fax-on-demand service: call 202/622-0077 using a fax machine, fax modem, or (within the United States) a touch-tone telephone.

Background

The Cuban Assets Control Regulations, 31 CFR part 515 (the "CACR"), were issued by the U.S. Government on July 8, 1963, under the Trading with the Enemy Act (50 U.S.C. App. 5 *et seq.*) (TWEA), in response to certain hostile actions by the Cuban Government. Since that time, U.S. policy toward Cuba has been to encourage a rapid and peaceful transition to democracy. The TWEA sanctions are intended to isolate the Cuban Government economically and deprive it of U.S. dollars that the Cuban Government would otherwise use to maintain or strengthen its repressive apparatus, enforce its information blockade on the Cuban people, and arrange for a succession and the continuation of the totalitarian Communist government.

The Sudanese Sanctions Regulations, 31 CFR part 538 (the "SSR"), implement Executive Order 13067, issued on November 3, 1997, pursuant to, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) (IEEPA). In the order, the President declared a national emergency with respect to the policies and actions of the Government of Sudan, "including continued support for international

terrorism; ongoing efforts to destabilize neighboring governments; and the prevalence of human rights violations, including slavery and the denial of religious freedom." To deal with this national emergency, Executive Order 13067 imposed trade sanctions with respect to Sudan and blocked all property and interests in property of the Government of Sudan in the United States or within the possession or control of U.S. persons.

The Iranian Transactions Regulations, 31 CFR part 560 (the "ITR"), implement a series of Executive orders, beginning with Executive Order 12957, issued on March 15, 1995. In that order, the President declared a national emergency pursuant to IEEPA to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran, including its support for international terrorism, its efforts to undermine the Middle East peace process and its efforts to acquire weapons of mass destruction and the means to deliver them. To deal with this threat, Executive Order 12957 imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. On May 6, 1995, the President issued Executive Order 12959 imposing comprehensive trade sanctions to further respond to this threat, and on August 19, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

The Treasury Department's Office of Foreign Assets Control ("OFAC") is amending the CACR, SSR and ITR to authorize certain activities relating to publishing that otherwise entail the prohibited exportation of services to, or prohibited importation of services from, Cuba, Sudan or Iran.

With certain exceptions, the exportation and importation of information and informational materials to or from any country are exempt from regulation by the President under TWEA and IEEPA. See 50 U.S.C. App. 5(b)(4) and 50 U.S.C. 1702(b)(3), respectively. OFAC is issuing the new general licenses set forth at 31 CFR 515.577, 31 CFR 538.529 and 31 CFR 560.538 to authorize transactions not already exempt from regulation that directly support the publishing and marketing of manuscripts, books, journals, and newspapers, in paper or electronic format.

Each of the general licenses is similar in structure and scope, authorizing a variety of activities relating to publishing with appropriate exceptions, such as those for the governments of

each of the sanctioned countries. Section 515.545, a pre-existing general license pertaining to information and informational materials remains in effect, but is being revised to include a note referring to the further authorizations contained in § 515.577.

Public Participation

Because the amendment of the CACR, ITR and SSR involves a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) (the "APA") requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply. However, OFAC encourages interested persons who wish to comment to do so in writing. The address for submitting comments appears in the ADDRESSES section near the beginning of this document. OFAC will not accept public comments written in languages other than English or accompanied by a request that a part or all of the submission be treated confidentially because of its business proprietary nature or for any other reason. OFAC will return such submissions to the originator. All public comments on these regulations will be a matter of public record. Copies of the public record concerning these regulations will be made available not sooner than March 17, 2005, and will be obtainable from OFAC's Internet Home Page at <http://www.treas.gov/ofac>. If that service is unavailable, written requests for copies may be sent to Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220, Attn: Chief, Records Division.

Paperwork Reduction Act

The collections of information related to 31 CFR parts 31 CFR parts 560 and 538 are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505-0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects

31 CFR Part 515

Administrative practice and procedure, Cuba, Exports, Foreign trade, Imports, Information.

31 CFR Part 538

Administrative practice and procedure, Exports, Foreign trade, Imports, Information, Sudan.

31 CFR Part 560

Administrative practice and procedure, Exports, Foreign trade, Imports, Information, Iran.

■ For the reasons set forth in the Preamble, 31 CFR parts 515, 538 and 560 are amended as follows:

PART 515—CUBAN ASSETS CONTROL REGULATIONS

■ 1. The authority citation for part 515 continues to read as follows:

Authority: 18 U.S.C. 2332d; 22 U.S.C. 2370(a), 6001-6010; 31 U.S.C. 321(b); 50 U.S.C. App 1-44; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 106-387, 114 Stat. 1549; E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1147; E.O. 9889, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959-1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Section 515.545 is amended by adding a note at the end of the section to read as follows:

§ 515.545 Transactions related to information and informational materials.

Note to § 515.545. With respect to transactions necessary and ordinarily incident to the publishing and marketing of manuscripts, books, journals and newspapers, see § 515.577.

■ 3. Add a new § 515.577 to subpart E to read as follows:

§ 515.577 Authorized transactions necessary and ordinarily incident to publishing.

(a) To the extent that such activities are not exempt from this part, and subject to the restrictions set forth in paragraphs (b) through (d) of this section, persons subject to the jurisdiction of the United States are authorized to engage in all transactions necessary and ordinarily incident to the publishing and marketing of manuscripts, books, journals, and newspapers (collectively, "written publications"), in paper or electronic format. This section does not apply if

the parties to the transactions described in this paragraph include the Government of Cuba. For the purposes of this section, the term "Government of Cuba" includes the state and the Government of Cuba, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Cuba; any person occupying the positions identified in § 515.570(a)(3); employees of the Ministry of Justice; and any person acting or purporting to act directly or indirectly on behalf of any of the foregoing with respect to the transactions described in this paragraph. For the purposes of this section, the term "Government of Cuba" does not include any academic and research institutions and their personnel. Pursuant to this section, the following activities are not prohibited, provided that persons subject to the jurisdiction of the United States ensure that they are not engaging, without specific authorization, in the activities identified in paragraph (d) of this section:

- (1) Commissioning and making advance payments for identifiable written publications not yet in existence, to the extent consistent with industry practice;
- (2) Collaborating on the creation and enhancement of written publications;
- (3) Augmenting written publications through the addition of items such as photographs, artwork, translation, and explanatory text;
- (4) Substantive editing of written publications;
- (5) Payment of royalties for written publications;
- (6) Creating or undertaking a marketing campaign to promote a written publication; and
- (7) Other transactions necessary and ordinarily incident to the publishing and marketing of written publications as described in this paragraph (a).

(b) This section does not authorize transactions involving the provision of goods or services not necessary and ordinarily incident to the publishing and marketing of written publications as described above. For example, this section does not authorize persons subject to the jurisdiction of the United States:

- (1) To provide or receive individualized or customized services (including, but not limited to, accounting, legal, design, or consulting services), other than those necessary and ordinarily incident to the publishing and marketing of written publications, even though such individualized or customized services are delivered through the use of

information and informational materials;

(2) To create or undertake for any person a marketing campaign with respect to any service or product other than a written publication, or to create or undertake a marketing campaign of any kind for the benefit of the Government of Cuba;

(3) To engage in the exportation or importation of goods, other than information and informational materials, to or from Cuba;

(4) To operate a publishing house, sales outlet, or other office in Cuba; or

(5) To engage in transactions related to travel to, from and within Cuba.

(c) This section does not authorize persons subject to the jurisdiction of the United States to engage the services of publishing houses or translators in Cuba unless such activity is primarily for the dissemination of written publications in Cuba.

(d) This section does not authorize:

(1) Transactions for the development, production, design, or marketing of software;

(2) Transactions for the development, production, design, or marketing of technology specifically controlled by the International Traffic in Arms Regulations, 22 CFR parts 120 through 130 (ITAR), the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR), or the Department of Energy Regulations set forth at 10 CFR part 810.

(3) The exportation of information or technology subject to the authorization requirements of 10 CFR part 810, or Restricted Data as defined in section 11 y. of the Atomic Energy Act of 1954, as amended, or of other information, data, or technology the release of which is controlled under the Atomic Energy Act and regulations therein;

(4) The exportation of information subject to license application requirements under the EAR. These EAR license application requirements cover not only the exportation of information controlled on the Commerce Control List, 15 CFR part 774, but also the exportation of any information subject to the EAR where a U.S. person knows or has reason to know that the information will be used, directly or indirectly, with respect to certain nuclear, missile, chemical and biological weapons, and nuclear-maritime end-uses. In addition, U.S. persons are precluded from exporting any information subject to the EAR to certain restricted end-users, as provided in the Commerce Department's end-user and end-use based controls set forth at 15 CFR part 744; or

(5) The exportation of information subject to licensing requirements under

the ITAR, or exchanges of information that are subject to regulation by other government agencies.

(e) Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) for purposes necessary and ordinarily incident to the publishing and marketing of written publications.

PART 538—SUDANESE SANCTIONS REGULATIONS

■ 4. The authority citation for part 538 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 18 U.S.C. 2339B, 2332d; 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 106–387, 114 Stat. 1549; E.O. 13067, 62 FR 59989; 3 CFR, 1997 Comp., p. 230.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 5. Add a new § 538.529 to subpart E to read as follows:

§ 538.529 Authorized transactions necessary and ordinarily incident to publishing.

(a) To the extent that such activities are not exempt from this part, and subject to the restrictions set forth in paragraphs (b) through (d) of this section, 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 (collectively, "written publications"), in paper or electronic format. This section does not apply if the parties to the transactions described in this paragraph include the Government of Sudan. For the purposes of this section, the term "Government of Sudan" includes the state and the Government of Sudan, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Sudan; and any person acting or purporting to act directly or indirectly on behalf of any of the foregoing with respect to the transactions described in this paragraph. For the purposes of this section, the term "Government of Sudan" does not include any academic and research institutions and their personnel. Pursuant to this section, the following activities are not prohibited, provided that U.S. persons ensure that they are not engaging, without specific authorization, in the activities identified in paragraph (d) of this section:

(1) Commissioning and making advance payments for identifiable written publications not yet in existence, to the extent consistent with industry practice;

(2) Collaborating on the creation and enhancement of written publications;

(3) Augmenting written publications through the addition of items such as photographs, artwork, translation, and explanatory text;

(4) Substantive and artistic editing of written publications;

(5) Payment of royalties for written publications;

(6) Creating or undertaking a marketing campaign to promote a written publication; and

(7) Other transactions necessary and ordinarily incident to the publishing and marketing of written publications as described in this paragraph (a).

(b) This section does not authorize transactions involving the provision of goods or services not necessary and ordinarily incident to the publishing and marketing of written publications as described above. For example, this section does not authorize U.S. persons:

(1) To provide or receive individualized or customized services (including, but not limited to, accounting, legal, design, or consulting services), other than those necessary and ordinarily incident to the publishing and marketing of written publications, even though such individualized or customized services are delivered through the use of information and informational materials;

(2) To create or undertake for any person a marketing campaign with respect to any service or product other than a written publication, or to create or undertake a marketing campaign of any kind for the benefit of the Government of Sudan;

(3) To engage in the exportation or importation of goods, other than information and informational materials, to or from Sudan; or

(4) To operate a publishing house, sales outlet, or other office in Sudan.

(c) This section does not authorize U.S. persons to engage the services of publishing houses or translators in Sudan unless such activity is primarily for the dissemination of written publications in Sudan.

(d) This section does not authorize:

(1) Transactions for the development, production, design, or marketing of software;

(2) Transactions for the development, production, design, or marketing of technology specifically controlled by the International Traffic in Arms Regulations, 22 CFR parts 120 through 130 (ITAR), the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR), or the Department of Energy Regulations set forth at 10 CFR part 810.

(3) The exportation of information or technology subject to the authorization requirements of 10 CFR part 810, or Restricted Data as defined in section 11 y. of the Atomic Energy Act of 1954, as amended, or of other information, data, or technology the release of which is controlled under the Atomic Energy Act and regulations therein;

(4) The exportation of information subject to license application requirements under the EAR. These EAR license application requirements cover not only the exportation of information controlled on the Commerce Control List, 15 CFR part 774, but also the exportation of any information subject to the EAR where a U.S. person knows or has reason to know that the information will be used, directly or indirectly, with respect to certain nuclear, missile, chemical and biological weapons, and nuclear-maritime end-uses. In addition, U.S. persons are precluded from exporting any information subject to the EAR to certain restricted end-users, as provided in the Commerce Department's end-user and end-use based controls set forth at 15 CFR part 744; or

(5) The exportation of information subject to licensing requirements under the ITAR, or exchanges of information that are subject to regulation by other government agencies.

PART 560—IRANIAN TRANSACTIONS REGULATIONS

■ 6. The authority citation for part 560 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 22 U.S.C. 2349aa-9; 31 U.S.C. 321(b); 50 U.S.C. 1601-1651, 1701-1706; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 106-387, 114 Stat. 1549; E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 259; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995, Comp., 356; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 7. Add a new § 560.538 to subpart E to read as follows:

§ 560.538 Authorized transactions necessary and ordinarily incident to publishing.

(a) To the extent that such activities are not exempt from this part, and subject to the restrictions set forth in paragraphs (b) through (d) of this section, 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 (collectively,

"written publications"), in paper or electronic format. 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" includes the state and the Government of Iran, as well as any political subdivision, agency, or instrumentality thereof, which includes the Central Bank of Islamic Republic of Iran; and any person acting or purporting to act directly or indirectly on behalf of any of the foregoing with respect to the transactions described in this paragraph. For the purposes of this section, the term "Government of Iran" does not include any academic and research institutions and their personnel. Pursuant to this section, the following activities are not prohibited, provided that U.S. persons ensure that they are not engaging, without specific authorization, in the activities identified in paragraph (d) of this section:

(1) Commissioning and making advance payments for identifiable written publications not yet in existence, to the extent consistent with industry practice;

(2) Collaborating on the creation and enhancement of written publications;

(3) Augmenting written publications through the addition of items such as photographs, artwork, translation, and explanatory text;

(4) Substantive editing of written publications;

(5) Payment of royalties for written publications;

(6) Creating or undertaking a marketing campaign to promote a written publication; and

(7) Other transactions necessary and ordinarily incident to the publishing and marketing of written publications as described in this paragraph (a).

(b) This section does not authorize transactions involving the provision of goods or services not necessary and ordinarily incident to the publishing and marketing of written publications as described above. For example, this section does not authorize U.S. persons:

(1) To provide or receive individualized or customized services (including, but not limited to, accounting, legal, design, or consulting services), other than those necessary and ordinarily incident to the publishing and marketing of written publications, even though such individualized or customized services are delivered through the use of information and informational materials;

(2) To create or undertake for any person a marketing campaign with respect to any service or product other

than a written publication, or to create or undertake a marketing campaign of any kind for the benefit of the Government of Iran;

(3) To engage in the exportation or importation of goods, other than information and informational materials, to or from Iran; or

(4) To operate a publishing house, sales outlet, or other office in Iran.

(c) This section does not authorize U.S. persons to engage the services of publishing houses or translators in Iran unless such activity is primarily for the dissemination of written publications in Iran.

(d) This section does not authorize:

(1) Transactions for the development, production, design, or marketing of software;

(2) Transactions for the development, production, design, or marketing of technology specifically controlled by the International Traffic in Arms Regulations, 22 CFR parts 120 through 130 (ITAR), the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR), or the Department of Energy Regulations set forth at 10 CFR part 810.

(3) The exportation of information or technology subject to the authorization requirements of 10 CFR part 810, or Restricted Data as defined in section 11 y. of the Atomic Energy Act of 1954, as amended, or of other information, data, or technology the release of which is controlled under the Atomic Energy Act and regulations therein;

(4) The exportation of information subject to license application requirements under the EAR. These EAR license application requirements cover not only the exportation of information controlled on the Commerce Control List, 15 CFR part 774, but also the exportation of any information subject to the EAR where a U.S. person knows or has reason to know that the information will be used, directly or indirectly, with respect to certain nuclear, missile, chemical and biological weapons, and nuclear-maritime end-uses. In addition, U.S. persons are precluded from exporting any information subject to the EAR to certain restricted end-users, as provided in the Commerce Department's end-user and end-use based controls set forth at 15 CFR part 744; or

(5) The exportation of information subject to licensing requirements under the ITAR, or exchanges of information that are subject to regulation by other government agencies.

Dated: December 10, 2004.
Robert W. Werner,
Director, Office of Foreign Assets Control.

Approved: December 13, 2004.
Juan C. Zarate,
Assistant Secretary, Terrorism Financing and
Financial Crimes, Department of the
Treasury.

[FR Doc. 04-27717 Filed 12-14-04; 5:07 pm]
BILLING CODE 4810-35-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05-04-223]

RIN 1625-AA-08

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AICW), Elizabeth River, Southern Branch, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation
from regulations and request for
comments.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Dominion Boulevard (US 17) Bridge across the Southern Branch of the Elizabeth River, at AICW mile 8.8, at Chesapeake, Virginia. Under this temporary 90-day deviation, from 8:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays, the draw of the bridge will open every hour on the half hour. During the temporary deviation, the bridge will continue to open on signal for commercial vessels that provide a two-hour advance notice and will open on demand at all times for commercial vessels carrying liquefied flammable gas or other hazardous materials.

The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public.

DATES: This deviation is effective from 8:30 a.m. on December 13, 2004, to 4 p.m. on March 13, 2005. Comments must reach the Coast Guard on or before March 14, 2005.

ADDRESSES: You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or they may be hand delivered to the same

address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The Commander (obr), Fifth Coast Guard District maintains the public docket for this test schedule. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address.

Request for Comments

We encourage you to participate in this test deviation by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this test deviation CGD05-04-223, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

FOR FURTHER INFORMATION CONTACT: Bill Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6422.

SUPPLEMENTARY INFORMATION: In an effort to ease vehicle traffic congestion as a result of recent vessel openings of the drawbridge, the Coast Guard has issued a temporary deviation from the drawbridge regulations to test for a period of 90 days an alternate drawbridge operation schedule.

Under this 90-day temporary deviation, effective from December 13, 2004 to March 13, 2005, the Dominion Boulevard (US 17) Bridge, mile 8.8 in Chesapeake, shall open on signal for commercial vessels that provide a two-hour advance notice and will open on demand at all times for commercial vessels carrying liquefied flammable gas or other hazardous materials. From December 13, 2004 to March 13, 2005, from 8:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays, the draw need be opened only every hour on the half hour.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: December 10, 2004.

Waverly W. Gregory, Jr.,
Chief, Bridge Administration Branch, Fifth
Coast Guard District.

[FR Doc. 04-27678 Filed 12-16-04; 8:45 am]
BILLING CODE 4810-35-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL-7848-9]

OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category; Final Rule.

DATES: *Effective Date:* This final rule is effective December 17, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Marta Jordan at (202) 566-1049.

SUPPLEMENTARY INFORMATION: EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to list those information collection requirements promulgated under the Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category; Final Rule, which appeared in the Federal Register on August 23, 2004 (69 FR 51892). The affected regulations are codified at 40 CFR part 451. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is "good cause" under section 553(b)(3) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3), to

Exhibit B

Student Paper by (b) (6), (b) (7)(C)

2012-05-066_0147

Exhibit C

IEEE Computer Society Korean Conference Agenda, May 2005

2012-05-066_0148

Exhibit D

Student Travel Expenses to Attend Korean Conference, May 2005

2012-05-066_0149

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 (Date)
 발행시간 : 19:20
 (Time)
 차량번호 : 서울35비3413
 (Car No)
 승차하차 : 18:46 - 19:20
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 승차거리 : 3.5 Km
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 요금 : 10,200원
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 DA COM 06-0150

Office of Foreign Assets Control

Correspondence Acknowledgment

Date: December 09, 2005

(b) (6), (b) (7)(C)

Dorsey & Whitney LLP
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LICENSING DIVISION
OFFICE OF FOREIGN ASSETS CONTROL (OFAC)
U.S. DEPARTMENT OF TREASURY
1500 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20220

Re: Case # IA-8039

FOIA:

This is to acknowledge receipt of your correspondence dated December 06, 2005. Please refer to the Case Number cited above and the date of your original correspondence if you need to contact us or send supplemental information. Please note that filing an application for a license or requesting information about the transaction prohibitions contained in Executive Order or regulations administered by OFAC does not suspend or excuse compliance with the prohibitions or requirements contained within. We look forward to serving you.

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2012-05-066_0151

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(b) (6), (b) (7)(C)

July 11, 2006

VIA FACSIMILE

Elizabeth W. Farrow
Assistant Director for Licensing
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Re: IA-8039 -- THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, INC.

Dear Ms. Farrow:

I am writing to you to ask if OFAC has reached any decision with regard to our client The Institute of Electrical and Electronic Engineers, Inc. ("IEEE") and IEEE's request to confirm it would be permissible to reimburse an Iranian student for his actual, out-of-pocket travel expenses to attend an IEEE Computer Society conference in Korea to receive a prize for an award-winning paper. The Iranian student attended this Computer Society conference in Korea in May 2005. We originally wrote to OFAC in December 2005 to seek clarification of a May 9, 2005 OFAC ruling issued to IEEE that dealt with IEEE prizes and awards to persons in OFAC-embargoed countries, and it seemed to us that the small payment in question was covered by the May 9, 2005 ruling. The sum in question is only US\$1,000. We wrote to OFAC in December 2005 seeking to confirm that view.

A member of your staff kindly called my office on May 3 (I am sorry I only have a transcribed voicemail name but I thought the name of the staff person was (b) (6)). That OFAC staff person left me a voicemail telling me that an OFAC decision on our December 2005 request was imminent, but it has now been another two months and, indeed, more than eight months since we originally posed our question to OFAC and considerably more than a year since the student in question expended his own funds to travel to Korea to present his paper and receive his award. We would therefore like to clear this matter for IEEE and enable it to finish this process with the student, who is an innocent individual student and for whom a thousand dollars is a very large sum of money.

I re-sent all the original December 2005 materials to your office again in June 2006 as a convenience to your staff, on the off-hand chance that somehow this file had been misplaced, and I would be glad to do so again for your benefit as well.

For your information, I can be reached at (b) (6). I will also be flying to Washington DC this Thursday and will be in DC late on Thursday afternoon and all day on Friday if it would be

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Elizabeth W. Farrow
July 11, 2006
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useful to have a meeting about this request. As you know, I have been to your offices several times previously to meet on IEEE's requests to OFAC. Thank you.

Yours truly

(b) (6), (b) (7)(C)