

ICSP Procedures in Accordance with Section 413 of the Trade Agreements Act of 1979 (Public Law 96-39)

The following constitutes a mechanism through which ICSP member agencies bring to the attention of the ICSP Chair any issues relating to adequate representation of United States interests in the proceedings of a private international standards organization in accordance with Section 413 of the Trade Agreements Act of 1979, 19 USC § 2543(b)(3) and consistent with the guidance in OMB Circular A-119. This mechanism includes coordination by the ICSP Chair with the Trade Policy Staff Committee's subcommittee on Technical Barriers to Trade (TPSC TBT Subcommittee), and the designees, or "Seconds," of the Regulatory Working Group, and coordination of the solicitation and consideration of advice of the appropriate representative elements of the private sector and the non-Federal governmental sector representatives referred to in 19 USC § 2543.

1. The ICSP Chair will inform the ICSP members of the requirements in 19 USC § 2543 of the Trade Agreements Act of 1979 and recommend that the members alert the ICSP Chair of concerns.
2. If the ICSP Chair receives input from ICSP members (Agency Standards Executives) on issues related to inadequate representation of US interests in the proceedings of private international standards organizations, the ICSP Chair will raise the issue to the members at the next ICSP meeting or via ICSP electronic communication depending on the urgency of the matter.
3. The ICSP Chair shall contact the appropriate representatives of the private sector and non-Federal governmental sector to gather relevant information.
4. If there is a consensus of the ICSP that there is inadequate U.S. representation in the private international standards organization, the ICSP Chair will raise the issue with the Trade Policy Staff Committee, Technical Barriers to Trade Subcommittee (TPSC TBT Subcommittee).
5. If there is a consensus of the TPSC TBT Subcommittee, the ICSP Chair will then raise the issue with the OMB Regulatory Working Group.
6. Upon consensus of the ICSP, the TPSC TBT Subcommittee and the Regulatory Working Group that the situation meets the conditions as described in the Trade Agreements Act, the ICSP Chair will notify the Director of NIST of the issue and suggest appropriate action.
7. If the Director of NIST agrees, the issue will be communicated to the Secretary of Commerce for action per 19 USC § 2543.