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February 1, 2010

Mr. Adam J. Szubin
Director
Office of Foreign Assets Control
Department of Treasury
Washington, DC 20220

Dear Mr. Szubin:

I am writing again with regard to the ability of citizens in sanctioned countries to use services that allow them to access the Internet, and to get your views on a new development that involves the ability of users in Cuba and elsewhere to obtain open source software.

In September 2009, you took the time to respond to my letter to Secretary Geithner about the decision by Microsoft and other IM providers to stop offering instant messaging services to users in Cuba and other countries under U.S. sanctions.

In your letter, you conveyed your assurance that the decision to discontinue IM was not directed by OFAC or any other Federal agency, that ensuring the flow and access to information through the Internet was consistent with the policy interests of the U.S., and that OFAC was participating in an inter-agency effort to review the discontinuation of IM services to sanctioned countries.

I very much appreciated your reply.

Unfortunately, a new incident has come to our attention in which a company is withdrawing services to users in sanctioned countries out of the belief that providing access to its site is a violation of our laws.

The site in question, SourceForge is now blocking access for users to its open-source software in Cuba, Iran, North Korea, Syria, and the Sudan. SourceForge is a community for open source software development. As we understand it, this site enables developers to host projects, solicit contributions from other developers, and post each version of software in its development lifespan.

