

**U.S. DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
REGULATIONS AND PROCEDURES TECHNICAL ADVISORY COMMITTEE**

CHARTER

1. Committee's Official Designation. Regulations and Procedures Technical Advisory Committee.

2. Authority. This charter of the Regulations and Procedures Technical Advisory Committee (RPTAC or Committee) is hereby renewed and revised, consistent with Section 1754 and 1768 of the Export Control Reform Act of 2018 (ECRA) (50 U.S.C §§ 4801-4852), the Export Administration Regulations (EAR) (15 C.F.R. Parts 730-774), and the provisions of the Federal Advisory Committee Act, as amended (FACA), (5 U.S.C. § 1001 *et seq.*).¹

Consistent with Section (k) of Supplement No. 2 to 15 C.F.R. Part 730, the Committee has recommended that the charter be renewed.

3. Objectives and Scope of Activities. The objectives of the Committee are to advise and assist the Secretary of Commerce (Secretary) or, under authority delegated by the Secretary, the Under Secretary for Industry and Security, and other Federal officials and agencies with respect to actions designed to carry out the policy set forth in Section 1752 of ECRA. The Committee will be consulted where a recognized need of the Department of Commerce exists with respect to questions involving: (a) technical specifications and related policy issues that are of concern to the Department; (b) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology; (c) licensing procedures that affect the level of compliance with export controls applicable to any commodities, software, or technology; (d) revisions of the Commerce Control List, including proposed revisions of multilateral controls in which the United States participates; (e) the issuance of regulations; and (f) any other matters relating to actions designed to carry out the policy set forth in Section 1752 of ECRA.

The Committee's activities include evaluation and commentary on data and other information available from the Department, other reliable sources, and its own members' experience and expertise. The Committee will provide advice to the Department with respect to these matters. In this respect, the Committee will be forward leaning, focusing on the use of technologies, and projecting their likely effects on the future for national security and foreign policy, the U.S.

¹ Until August 13, 2018, the Export Administration Act of 1979, as amended (EAA) (50 U.S.C. 4601 *et seq.*), provided the primary legal basis for the Committee. During periods in which the EAA was in lapse, the President, through Executive Orders, continued Export Administration Regulations (EAR) in effect under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. §§ 1701, *et seq.* (2012)). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018 (ECRA). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. The procedures and criteria for the establishment and operation of Technical Advisory Committees are laid out in the EAR in Supplement No. 2 to 15 C.F.R. Part 730.

defense industrial base, and the overall health and competitiveness of the U.S. economy. In doing so, the Committee may, in coordination with BIS's Designated Federal Officer (DFO), work with the Emerging Technology Technical Advisory Committee.

4. Description of Duties. The Committee functions solely as an advisory body in accordance with the provisions of the FACA. Operations of the Committee will be overseen by the Assistant Secretary for Export Administration in consultation with the Under Secretary for Industry and Security. The Committee will provide advice to the Department with respect to matters listed above in Section 3. The Chairperson will prepare an annual report, consistent with Section (h) of Supplement No. 2 to 15 C.F.R. Part 730, and an annual plan to the Department in coordination with the DFO. The report will describe the Committee's membership, functions, activities, and such related matters as would be informative to the public consistent with the policy of the Freedom of Information Act, 5 U.S.C. § 552(b), including a summary of the efforts of the Committee during the year and any recommendations agreed on by the Committee.

5. Agency or Official to Whom the Committee Reports. The Committee reports to the Under Secretary for Industry and Security, through the Assistant Secretary for Export Administration, BIS, U.S. Department of Commerce.

6. Support. The Office of Technology Evaluation, BIS, provides administrative support services for the Committee.

7. Estimated Annual Operating Costs and Staff Years. The estimated annual operating cost of the RPTAC is \$50,092, which includes an estimated 0.3 person-year of staff support. Committee members will not be compensated for their services; nor will they be reimbursed for travel, subsistence, and other expenses incurred by them in connection with their duties as members of the Committee.

8. Designated Federal Officer (DFO). The Assistant Secretary for Export Administration, in consultation with the Under Secretary of Commerce for Industry and Security, will designate a full-time or permanent part-time employee of BIS to serve as the DFO for the Committee in accordance with agency procedures. The DFO will approve or call all of the Committee and subcommittee meetings, prepare or approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest, and chair Committee meetings when directed to do so by the Assistant Secretary for Export Administration.

9. Estimated Number and Frequency of Meetings. The RPTAC meets quarterly at the call of the DFO or Chairperson (with approval by the DFO), unless the Chairperson (Chair) determines, in consultation with other members of the Committee, that such a meeting is not necessary to achieve the purposes of ECRA and the EAR. Meetings and the work of the Committee shall be consistent with the provisions of the FACA.

10. Duration. Continuing.

11. Termination. This charter will terminate two years from the date of its filing with the standing committees of the Senate and House of Representatives having legislative jurisdiction of the agency unless terminated earlier or renewed by proper authority.

12. Membership and Designation. All members are appointed by and serve at the pleasure of the Secretary. Membership shall not exceed 50 members. The length of a member's term generally shall be four years. A member may be reappointed for additional terms except that, consistent with Section (b) of Supplement No. 2 to 15 C.F.R. Part 730, the industry members shall not serve on the Committee for more than four consecutive years. Members who are absent from four consecutive Committee meetings will have their membership terminated.

The Committee shall elect a Chairperson. The Secretary of Commerce and/or the Under Secretary of Commerce for Industry and Security may recommend candidates for Chair for the Committee's non-exclusive consideration. It is desired that the Chair serve a single two-year term. However, the Chair may be re-elected as Chair, subject to continuation of the Committee.

Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

Non-federal members serve in a representative capacity and not as Special Government Employees. Federal members serve as Regular Government Employees.

All members must be able to qualify for a Secret security clearance or a security clearance at a level sufficient to perform their work on the Committee.

Members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, BIS, the Department of Commerce, or U.S. Government.

13. Subcommittees. The Assistant Secretary for Export Administration, in consultation with the Under Secretary of Commerce for Industry and Security, may create such subcommittees from among Committee members as may be necessary, pursuant to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Any subcommittees created must report to the Committee and shall not provide advice and work products directly to the agency. Subcommittee members must be approved by the Assistant Secretary for Export Administration.

14. Recordkeeping. The records of the Committee, formally or informally established subcommittees, or other subgroups of the Committee, will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection.

15. Filing date. The revised and renewed charter is filed on the date indicated below.

JEREMY PELTER Digitally signed by JEREMY
PELTER
Date: 2024.08.15 16:54:53 -04'00'

Deputy Assistant Secretary for Administration
Performing the non-exclusive functions and duties of the
Chief Financial Officer and Assistant Secretary
for Administration

8/15/2024

Date

8/16/2024

Filing Date