

Regulations and Procedures Technical Advisory Committee Minutes – September 13, 2022

Open Session

Anne Marie Griffin, chair – Welcome and RPTAC members introductions.

Hillary Hess, BIS Regulatory Policy Division – BIS Update

In the six months following Russia's further invasion of Ukraine, BIS published 12 Russia-related rules imposing restrictions on many items destined to Russia and Belarus. These actions, which helped support the Ukrainian people, were carried out in partnership with U.S. allies. Assistant Secretary for Export Administration Thea Kendler and Assistant Secretary for Export Enforcement Matthew Axelrod are in Singapore, engaging with international counterparts and participating in other events. Assistant Secretary Kendler will deliver the keynote address at the inaugural Women in Strategic Trade Conference. The importance of multilateralism in export controls has also been reflected in recent RPTAC sessions; RPTAC invited Tech UK to present in March, Digital Europe in June, and the European Institute for Export Compliance today.

Presentation: European Institute for Export Compliance – Carlo Giacomini

This presentation addressed the European Union Export Compliance Framework. (Presentation attached.)

Presentations by the Public – Bill Root

Bill Root's comments addressed vaccines and technologies controlled consistent with section 1758 of the Export Control Reform Act of 2018 (attached).

Hillary Hess, BIS Regulatory Policy Division – Published Regulations

Enumerated rules published since last meeting (6/30/22 – 9/13/22).

Keisha Downs – Census Bureau

The Electronic Manifest (EM) pilot (rail to Canada) data is being evaluated by Customs and Border protection compared to Electronic Export Information (EEI) and is better; the long-term goal is to replace EEI with EM (transportation elements) to reduce burden on filers to update. Census is evaluating comments on a proposed rule to amend the Foreign Trade Regulations with respect to requesting the country of origin when foreign goods indicator is selected; issues being discussed include statistical need, burden, and definition. No progress reported by BIS on rule

regarding routed transactions. No decision yet on requiring country of origin information. The rule proposing removal of filing requirements for exports to Puerto Rico and the Virgin Islands has been withdrawn; Census is evaluating alternative data sources. Census is automating the Voluntary Self Disclosure submissions and standardizing the process. Census has greater ability to travel for and is taking advantage of it.

Work Groups

Export Clearance – Adrienne Braumiller

Will engage with draft proposed rule regarding routed transactions as soon as it is received.

Encryption – Anne Marie Griffin

Looking at AT only/EAR99 encryption in standards.

Compliance and Enforcement – Janelle Gamble

Letter from RPTAC to Export Enforcement on penalty amounts and other issues.

Multilateral Controls – Curtis Dombek

Monitoring Wassenaar Arrangement proposals, commented on those of other regimes. Reviewed draft Wassenaar rules. Report from EU commission. Developments of EU/US/UK Russia/Belarus controls monitored for divergences.

Technology Controls – Kathleen Gebeau

Looking at past proposals on deemed exports, coordinating with the Sensors and Instrumentation TAC, and considering timing issues.

Practices and Procedures – Laura Molinari

Engaged on human rights issues.