

Regulations and Procedures Technical Advisory Committee Minutes – March 15, 2022

Open Session

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

Matt Axelrod, Assistant Secretary for Export Enforcement – Opening Remarks

Assistant Secretary Axelrod emphasized partnership with industry. Referring to the President's State of the Union description of the battle between democracies and autocracies, he noted that countries building military power are trying to use technology to leapfrog the U.S.; BIS is trying to make sure sensitive technology is not used for malign purposes. He described his "3P's:" prioritizing enforcement, partnership with industry, and raising the profile of Export Enforcement's work. Export Enforcement is reviewing its policies and procedures to see how they can be improved.

Matt Borman, Deputy Assistant Secretary for Export Administration – Opening Remarks

Deputy Assistant Secretary Borman noted that BIS has published five Russia rules in two weeks in response to Russia's further invasion of Ukraine. A tremendous amount of work with allies has effectively created an allied sanctions regime, degrading or impairing Russia's ability to sustain or enhance its military capabilities. Other priorities include rules on emerging and foundational technologies releases of technology for standards development.

Presentations by the Public

The chair asked if there were presentations from the public; there were none.

Hillary Hess, BIS Regulatory Policy Division – Published Regulations

Enumerated rules published since last meeting (12/17/21 – 3/11/22).

Lewis Walmsley-Browne and Craig Melson – Tech UK

Tech UK is a trade association for digital companies. The presentation detailed aspects of trade regulation in the United Kingdom, including laws, regulations, and procedures.

Kiesha Downs – Census Bureau

The Census Bureau is co-lead with Customs and Border Protection (CBP) on a working group evaluating the feasibility and ramifications of a data exchange with ASEAN countries through an international single window (aggregated data, not transaction-level). The goal of the exchange

would be to expedite imports of U.S. items into ASEAN countries. Census is also supporting CBP with development of an electronic manifest as its pilot program is to be extended to additional modes of transport. Evaluation of the pilot to date shows improved data collection over estimates. Census withdrew an Advance Notice of Proposed Rulemaking on removing the filing requirement for Puerto Rico and the U.S. Virgin Islands on February 7, 2022, after comments and discussions with other stakeholders. The current requirement for filing remains to obtain high quality data with no alternative that meets statistical needs. Census has met with the public and is working on an issues paper with the goal of identifying alternatives. Census received about 30 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; the majority of commenters opposed adding the data element due to burden and cost. Census is still doing research and weighing the statistical need and the burden.

Work Groups

Multilateral Controls – Curtis Dombek

Tracking Wassenaar Arrangement activity and providing input to rules, evaluating multilateral implications of revisions. Monitoring Russia/Belarus sanctions.

Compliance and Enforcement – Janelle Gamble

Appreciate dialogue with Matt Axelrod, Assistant Secretary for Export Enforcement.

Export Clearance – Adrienne Braumiller

Stand ready to assist with draft proposed rule regarding routed transactions as soon as needed. Comment submitted opposing country of origin data element addition in Census proposed rule.

Practices and Procedures – Naomi LaBonte

Commented on impact of foreign direct product rules.

Technology Controls – Jeff Rittener

Deemed export issues; exploring improvements.

Encryption – Anne Marie Griffin

Tracking cyber rule; had recommended delay in effective date and given feedback.