

## **Regulations and Procedures Technical Advisory Committee Minutes – September 14, 2021**

### **Open Session**

Anne Marie Griffin, chair – Welcome. The meeting was held virtually. The chair expressed her particular thanks to Committee Liaison Officer Yvette Springer for her logistical work since June 2020 that has allowed the RPTAC to continue to meet virtually. RPTAC members introduced themselves, as did BIS representatives and interagency colleagues.

### Presentations by the Public

#### Bill Root – Public Comment

Bill Root presented a public comment on vaccines. A copy of his written submission is attached.

#### Information Technology Industry Council (ITI) – Global Tech Standards Policy

ITI presented information on standards-setting activities and their importance to U.S. global technological leadership. They discussed the chilling effect that recent Entity List rules have had on U.S. participation in standards-setting activities. BIS has analyzed the public comments and is preparing to finalize the 6/18/20 interim rule *Release of “Technology” to Certain Entities on the Entity List in the Context of Standards Organizations* (85 FR 36719). A copy of the presentation is attached.

#### Hillary Hess, BIS Regulatory Policy Division – Published Regulations

Enumerated rules published since last meeting (6/16/21 – 8/19/21).

### Work Groups

#### Compliance and Enforcement – Janelle Gamble

No update.

#### Multilateral Controls – Curtis Dombek

Continued review of new European Union dual-use recast and Wassenaar Arrangement issues.

#### Technology Controls – Kathleen Gebeau

Waiting for draft of standards rule. Working through deemed exports; have heard from industry and other TACs.

Practices and Procedures – Laura Molinari

No report.

Encryption – Ed Gillespie

No updates.

Kiesha Downs – Census Bureau

Census is working on a portal for Voluntary Self-Disclosures (VSDs) to streamline the submission process and aid communication. Because employees are not physically present at the Census Bureau, VSDs must be submitted electronically to their inbox or by fax, not mailed (Census is drafting a rule to amend the Foreign Trade Regulations). In a comparison of Electronic Manifest data to Electronic Export Information, the manifest data seemed better (more up-to-date transportation information). Census will propose to amend country of origin (when foreign goods indicator is selected). With respect to the filing requirement for Puerto Rico and the Virgin Islands, Mauricio Ortiz of the Bureau of Economic Analysis outlined the importance of the high-quality data obtained from these filings, particularly when responding to Congressional Requests. A commenter noted the cost of the filings to exporters. Census continues its deliberations.

September 9, 2021

To: RPTAC Yvette, Anne Marie, and Andrew  
From: Bill Root [billroot23@gmail.com](mailto:billroot23@gmail.com); tel. 1 517 333 8707

Subject: Vaccines Handout for RPTAC September 14, 2021 Meeting

Recommendations:

RPTAC formal request to BIS Matt Borman to:

- 1 add a following new paragraph 4 to 734.3(b) “not subject to the EAR”:
  - (4) Vaccine commodities, software, or technology for the development, production, or use of vaccines, to comply with Australia Group Exclusion Note.
- 2 recommend to the Secretary of Commerce (unless RPTAC Terms of Reference permit direct communications to the Secretary):
  - a Instruct Patent and Trademark Office to amend its regulations similarly to comply with the AG Exclusion Note;
  - b Request the President to instruct the following departments and agencies similarly to comply with the AG Exclusion Note:  
Department of State, DDTC re ITAR;  
Department of Justice, Drug Enforcement Administration, by adding vaccines to 19 CFR 1308.22 exclusions;  
Department of Treasury, Office of Foreign Assets Controls, to Iran and other IEEPA sanctions involving export controls;  
Department of Health and Human Services, Food and Drug Administration and Center for Disease Controls;  
United States Trade Representative (USTR), WTO TRIPS;
  - c Request the President to instruct USTR to urge other countries in Australia Group which are also World Trade Organization members, such as Germany and United Kingdom, to comply with the AG Exclusion Note and, at least to its applicability to the on-going WTO TRIPS negotiations concerning a proposal from India and South Africa for a COVID 19 temporary waiver of TRIPS, bearing in mind alternatives to export controls to compensate pharmaceutical companies for vaccine development expenses;
  - d Request the President to instruct Treasury OFAC to draft a withdrawal of the IEEPA section 203(b) Presidential waivers from Trump Executive Orders reimposing Iran controls and imposing Hong Kong controls and Biden Executive Orders re Burma and EO 14039 August 24, 2021 blocking property related to Russian energy export pipelines and to request Senators Murphy, Sanders, and Lee to further amend IEEPA provisions in a Senate bill released in a July 20, 2021 press release to delete these Presidential waivers, or at least to delete the part (A) reason for imposing them.