

**U.S. DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
EMERGING TECHNOLOGY TECHNICAL ADVISORY COMMITTEE
AMENDED CHARTER**

This Amended Charter replaces in its entirety the Charter filed on June 25, 2018.

1. Committee's Official Designation (Title). Emerging Technology Technical Advisory Committee (previously named the Emerging Technology and Research Advisory Committee).¹

2. Authority. The Export Control Reform Act of 2018, Pub. L. No. 115-232, tit. 17, subtitle B, 132 Stat. 2208 (2018) (ECRA) and the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (FACA), except that, as mandated by Section 1758(f) of ECRA, subsections (a)(1), (a)(3), and (b) of Section 10 and Sections 11, 13, and 14 of the FACA shall not apply to the Committee.

3. Objectives and Scope of Activities. The Committee's primary focus is the identification of emerging and foundational technologies that may be developed over a period of five or ten years with potential dual-use applications as early as possible in their developmental stages both within the United States and abroad. The Committee will be forward leaning—focusing both on the current state of such technologies and projecting their likely effects five to ten years in the future on national security, the U.S. defense industrial base, and the overall health and competitiveness of the U.S. economy. The Committee will also provide assessments and information on emerging and foundational technologies, potential so-called “chokepoint technologies,” and trends in technologies in the United States and abroad of particular interest to the Bureau of Industry and Security (BIS), based on guidance given by the Under Secretary of Commerce for Industry and Security, or which may be suggested by interagency members. The Committee may also identify trends in the: ownership by foreign persons and foreign governments of such technologies; types of transactions related to such technologies engaged in by foreign persons and foreign governments; blending of private and government investment in such technologies; and efforts to obfuscate ownership of such technologies or to otherwise circumvent U.S. export controls. The Committee will also advise the interagency process to identify emerging and foundational technologies and provide BIS guidance regarding the potential impact of the Export Administration Regulations (EAR) on research activities, technical and policy issues relating to controls under the EAR, revisions of the Commerce Control List, including proposed revisions of multilateral controls in which the United States participates, the issuance of regulations, and any other matters relating to actions designed to carry out the policy set forth in Section 1752(1)(A) of ECRA. In doing so, the Committee may, in coordination with the BIS Designated Federal Officer, work with other BIS technical advisory committees specializing in a particular industry sector, e.g., transportation, information systems, sensors and imaging, materials, or materials processing.

¹ On June 25, 2018, the Emerging Technology and Research Advisory Committee Charter was renewed and the Committee renamed as the Emerging Technology Technical Advisory Committee. This is an amendment to the charter to reflect new duties and responsibilities assigned to the Committee under the Export Control Reform Act of 2018, Pub. L. No. 115-232, tit. 17, subtitle B, 132 Stat. 2208 (2018), under its previous name, the Emerging Technology and Research Advisory Committee.

4. Description of Duties. The Committee functions solely as an advisory body in accordance with the provisions of the FACA and Section 1758(f) of ECRA. Operations of the Committee will be overseen by the Assistant Secretary for Export Administration. The Committee will provide advice to the Department with respect to matters listed above in Section 3. The Committee will submit reports as directed by the Assistant Secretary for Export Administration in consultation with the Under Secretary of Commerce for Industry and Security. The reports will provide an assessment of key emerging and foundational dual-use technologies and a forward looking projection of potential uses of such technology as well as the leading U.S. and foreign companies, research and development labs, universities, and other government departments and agencies working on such technologies. The Chairperson will submit an annual report and an annual plan to the Department. The report will include a summary of the efforts and findings of the Committee during the year and any recommendations agreed on by the Committee. The Committee's findings shall be included in the Secretary of Commerce's annual report to Congress as required by ECRA.

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

6. Support. The Office of Technology Evaluation, Bureau of Industry and Security, provides administrative support for the Committee.

7. Estimated Annual Operating Costs and Staff Years. The estimated annual operating cost of the Committee is \$37,993, 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 and approve all meeting agendas, attend all Committee and subcommittee meetings, prepare all meeting minutes for the record, 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 Committee should meet not less frequently than every 120 days. Meetings and work of the Committee shall be consistent with the provisions of Section 1758(f) of ECRA, as well as the applicable provisions of the FACA.

10. Duration. Continuing.

11. Termination. Pursuant to Section 1758(f) of ECRA, the termination provision of FACA does not apply. Consistent with Supplement No. 2 to Part 730 of the EAR, this charter shall terminate every two years from the date of its most recent extension, unless renewed.

12. Membership and Designation. The Committee consists of members from academia, industry, federal laboratories, and pertinent U.S. Government departments and agencies who are appointed by the Secretary of Commerce. All members serve at the pleasure of the Secretary. The membership of the Committee shall include representatives of the U.S. technology and research community who are engaged in developing and producing cutting-edge technology in areas key to maintaining a U.S. forward-leaning presence in the world economy. Membership shall not exceed 40 members not counting the members who are U.S. Government employees. As a general rule, members must be highly ranked, accomplished and recognized leaders, engineers, and scientists working in their disciplines as researchers or program-level managers. The length of a member's term shall be two years. A member may be reappointed for additional terms except that industry members shall not serve on the Committee for more than four consecutive years. To help ensure Committee membership represents a range and balance of views, the Department will periodically solicit nominations for membership through various means, such as a Federal Register Notice, the BIS website, and/or outreach to industry associations, as well as academic, research, and development institutions.

The Chair shall be elected by a vote of the majority of the members of the committee present and voting.

Members from the private sector shall serve in a representative capacity presenting the views and interests of an entity, organization, or industry, and are not special government employees. Federal members serve as regular government employees.

All members must be able to qualify for a Secret security clearance or a higher clearance if necessary to perform their work on the Committee.

No member of the Committee may be registered as a foreign agent under the Foreign Agents Registration Act. No member may represent a company that is majority owned or controlled by a foreign government or foreign government entity.

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 or the Department.

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

14. Recordkeeping. Pursuant to Section 1758(f) of ECRA, Sections 10(b), 11, and 13 of the FACA, regarding Committee records, availability of transcripts, and reports to the Library of Congress, do not apply. The records of the Committee, formally or informally, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule.



Chief Financial Officer and Assistant Secretary
for Administration

8/30/19

Amendment Filing Date

6/25/18

Charter Filing Date