U.S. DEPARTMENT OF COMMERCE
CHARTER OF THE
EMERGING TECHNOLOGY AND RESEARCH ADVISORY COMMITTEE

1. Committee's Official Designation (Title). Emerging Technology and Research Advisory Committee

2. Authority. The Secretary of Commerce ("Secretary"), pursuant to authorities provided by law, including the Export Administration Act of 1979[1], as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the "Act"), the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)), and the Federal Advisory Committee Act (FACA), as amended, (5 U.S.C., App.) hereby reestablishes a Technical Advisory Committee (TAC), the Emerging Technology and Research Advisory Committee (ETRAC).

This is a reestablishment charter for the ETRAC, which was originally established on May 16, 2008. In December 2007, the Bureau of Industry and Security (BIS) received a request for the establishment of a TAC under Section 5 of the Act in the form of the Deemed Export Advisory Committee's final report. The committee members represented a substantial segment of an industry that produces items subject to export controls, namely, the U.S. technology community, which is engaged in producing technical data and providing technical assistance.

3. Objectives and Scope of Activities. The committee will be consulted where a recognized need of the Department of Commerce (the Department) exists with respect to questions involving: (a) the identification of emerging technologies and research and development activities that may be of interest from a dual-use perspective; (b) the prioritization of new and existing controls to determine which are of greatest consequence to national security; (c) the potential impact of dual-use export control requirements on research activities; and (d) the threat to national security posed by the unauthorized export of technologies.

The committee will provide advice to the Department with respect to these matters. The Chairperson will submit an annual report and annual plan to the Department. The report will include a summary of the efforts of the committee during the year and any recommendations agreed on by the committee.

The committee serves on a continuing basis within the limitations of the law.

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[1] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized and it remained in effect through August 21, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 12, 2011 (76 *Fed. Reg.* 50661, (August 16, 2011), has continued the Regulations in effect under IEEPA.

4. Description of Duties. The committee functions solely as an advisory body in accordance with the provisions of FACA and Section 5(h) of the Act.

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 $29,140, which includes an estimated 0.3 person-year of staff support. Industry 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 will designate a full-time or permanent part-time employee of the Bureau of Industry and Security to serve as the DFO for the committee in accordance with agency procedures. The DFO will approve or call all of the committee meetings, prepare and approve all meeting agendas, attend all committee meetings, adjourn any meeting 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 meets at least every three months at the call of the Chairperson, unless the Chairperson determines, in consultation with other members of the committee, that such a meeting is not necessary to achieve the purposes of the Act. Meetings and work of the committee shall be consistent with the provisions of Section 5 of the Act as well as the provisions of FACA, as amended.

10. Membership and Designation. The committee consists of a maximum of 28 members from academia, industry, Federal laboratories, and U.S. Government departments and agencies, who are appointed by the Secretary of Commerce (the Secretary). The members shall include representatives of the Departments of Commerce, Defense, and State, the intelligence community and, at the discretion of the Secretary, other Government departments and agencies. All members serve at the pleasure of the Secretary. As a general rule, members must be highly ranked, accomplished engineers and scientists working in their disciplines as researchers or program-level managers. Consistent with Section 5(h)(1) of the Act, the industry members shall not serve on the committee for more than four consecutive years. Members who do not attend 75 percent of committee meetings in a 12-month period may have their membership terminated.

The Department will solicit nominations for membership through a Federal Register Notice, a website notice, outreach to industry associations, and meetings with stakeholders to ensure that it has a qualified and diverse pool of applicants.

The Chairperson will be elected by the committee as required by Section 5(h)(4) of the Act. It is desired that the Chairperson serve only a two-year term; however, with a majority vote the Chairperson may be re-elected, 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.

11. Subcommittees. The Assistant Secretary for Export Administration may establish such subcommittees from among its members as may be necessary, subject to the provisions of FACA, the FACA implementing regulations and applicable 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.

12. Recordkeeping. The records of the committee, formally or informally, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

13. Duration/Termination. This charter will terminate two years from the date of its filing with the appropriate U.S. Senate and House of Representatives Oversight Committees unless earlier terminated or renewed by proper authority. As required by Section 5(h)(4) of the Act, the Secretary shall consult the committee with regard to termination or extension of the committee.

Chief Financial Officer and
Assistant Secretary for Administration

7.2.2012
Filing Date