U.S. DEPARTMENT OF COMMERCE
CHARTER OF THE
MATERIALS TECHNICAL ADVISORY COMMITTEE

1. **Committee's Official Designation (Title).** Materials Technical Advisory Committee.

2. **Authority.** In accordance with Section 5(h)(l) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (the "Act")), the Assistant Secretary for Export Administration, Bureau of Industry and Security, made the following determinations necessary for the continuation of the work of the Materials Technical Advisory Committee:

Representatives of a substantial segment of the materials industry have requested the appointment of this technical advisory committee.

Articles, materials, and supplies in the materials area that may serve as elements in the development of nuclear, missile, chemical, and biological weapons, including technical data and other information, are difficult to evaluate because of questions concerning technical matters, worldwide availability, actual use of the products and technology, and licensing procedures.

Consistent with Section 5(h)(4) of the Act, the Secretary of Commerce has consulted with the committee with regard to its continuation and the committee has recommended that the charter be renewed. The committee was initially chartered in 1973 under the authority of the Export Administration Act of 1969, which expired on September 30, 1979. The committee has continued to advise the Department under renewed charters since that time. The charter is hereby renewed consistent with the Export Administration Act of 1979, as amended.[1]

3. **Objectives and Scope of Activities.** The objectives of the committee are to advise and assist the Secretary of Commerce and other Federal agencies and officials referred to in Section 5(h)(2) of the Act with respect to actions designed to carry out the policy set forth in Section 3(2)(A) of the Act. The committee will be consulted where a recognized need of the Department of Commerce exists with respect to questions involving: (a) technical specifications and policy issues relating to those specifications that are of concern to the Department; (b) worldwide availability of products and systems, including quantity and quality, and actual utilization of

[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 20, 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 8, 2013 (78 Fed. Reg. 49107, August 12, 2013), has continued the Regulations in effect under IEEPA.

production technology; (c) licensing procedures that affect the level of export controls applicable to any goods, software, or technology; (d) revisions of the Control List, including proposed revisions of multilateral controls in which the United States participates; (e) the issuance of regulations; and (f) any other matters relating to actions designed to carry out the policy set forth in Section 3(2)(A) of the Act. The committee's activities include evaluation and commentary on data and other evidence available from the Department, other reliable sources, and its own experience. 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.

4. **Description of Duties**. The committee functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., app. §§ 2-15.

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

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

7. **Estimated Annual Operating Costs and Staff Years**. The estimated annual operating cost of the committee is $30,000 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 prepare and approve all committee meeting agendas, attend all committee meetings, adjourn any committee 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 the Federal Advisory Committee Act.

10. **Membership and Designation.** The committee consists of not more than 35 members from industry and government who are appointed by the Secretary of Commerce. All members serve at the pleasure of the Secretary. Industry members are qualified persons from a representative cross-section of the United States who are associated with the export of items

subject to control under the EAR. Government members are, to the extent possible, specialists in these product areas or export control technicians. 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 four consecutive committee meetings will have their membership terminated.

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. BIS may establish such subcommittees from among committee members as may be necessary, subject to the provisions of the FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Subcommittee members must be approved by the Assistant Secretary for Export Administration.

12. Recordkeeping. The records of the committee, and any subcommittees, formally or informally established, 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.

Ellen Herbst

Chief Financial Officer and
Assistant Secretary for Administration

10/28/13

Filing Date