

2008 Current Fiscal Year Report: Deemed Exports Advisory Committee

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1. Department or Agency

Department of Commerce

2. Fiscal Year

2008

3. Committee or Subcommittee

Deemed Exports Advisory
Committee

**3b. GSA Committee
No.**

29122

4. Is this New During Fiscal Year? **5. Current Charter** **6. Expected Renewal Date** **7. Expected Term Date**

No 05/10/2007 05/10/2009

8a. Was Terminated During Fiscal Year? **8b. Specific Termination Authority** **8c. Actual Term Date**

Yes 05/10/2008

9. Agency Recommendation for Next Fiscal Year **10a. Legislation Req to Terminate?** **10b. Legislation Pending?**

Terminate No Enacted

11. Establishment Authority Agency Authority

12. Specific Establishment Authority **13. Effective Date** **14. Committee Type** **14c. Presidential?**

Secretarial Decision Memorandum 03/23/2006 Continuing No

15. Description of Committee Other Committee

16a. Total Number of Reports No Reports for this Fiscal Year

17a. Open 0 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 0

Meetings and Dates

No Meetings

Current FY **Next FY**

18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$30,000.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$1,900.00	\$0.00
18d. Total	\$31,900.00	\$0.00
19. Federal Staff Support Years (FTE)	0.00	0.00

20a. How does the Committee accomplish its purpose?

The Deemed Exports Advisory Committee (DEAC) provided recommendations to the Bureau of Industry and Security's (BIS) deemed export policy that would improve the effectiveness in preventing unauthorized transfers of technology or source code within the United States. The DEAC developed recommendations for improvements to policies on the transfer of technology or source code subject to the Export Administration Regulations to persons within the United States. The DEAC analyzed the deemed export program, paying particular attention to a number of issues, including: the types of technology that is controlled, the manner in which this technology is controlled and scope of countries/groups subject

to the controls. The DEAC established working groups to focus on specific parts of deemed export policy. The Committee chartered through May 2008, In December 2007, the Committee complete its report and present it to the Secretary of Commerce.

20b. How does the Committee balance its membership?

The Committee is composed of academic leaders, industry representative and U.S. Government with specific technical or export control expertise in the transfer of technology or source code. Members are appointed to assure a balanced representation of views among business executives, university administrators, and other experts in the field.

20c. How frequent and relevant are the Committee Meetings?

The DEAC did not meet in FY 2008. Committee expired May 10, 2008.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

This Committee is essential to address the growing security risks arising from foreign nationals visiting or working in the United States. This advice is not available from any other Committees.

20e. Why is it necessary to close and/or partially closed committee meetings?

Closed sessions are held to allow for discussion of information classified for reasons of national security, information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, or information of a commercial or financial nature that is privileged or confidential.

21. Remarks

Designated Federal Officer

Bernard Kritzer Director, National Security &
Technology Transfer Controls

Committee Members	Start	End	Occupation	Member Designation
Augustine, Norman	08/21/2006	12/31/2007	Lockheed Martin Corporation	Special Government Employee (SGE) Member
Carnesale, Albert	08/21/2006	12/31/2007	University of California, Los Angeles	Special Government Employee (SGE) Member
David, Ruth	08/21/2006	12/31/2007	Analytic Services, Inc.	Special Government Employee (SGE) Member
Engler, John	08/21/2006	12/31/2007	National Association of Manufacturers	Special Government Employee (SGE) Member
Frank, Anthony	08/21/2006	12/31/2007	Colorado State University	Special Government Employee (SGE) Member
Gordon, John	08/21/2006	12/31/2007	Former Deputy Director, Central Intelligence Agency	Special Government Employee (SGE) Member
Kritzer, Bernard	06/07/2006	12/31/2007	Department of Commerce	Regular Government Employee (RGE) Member
O'Keefe, Sean	08/21/2006	12/31/2007	Louisiana State University	Special Government Employee (SGE) Member
Pell, Eva	08/21/2006	12/31/2007	Pennsylvania State University	Special Government Employee (SGE) Member
Siedow, James	08/21/2006	12/31/2007	Duke University	Special Government Employee (SGE) Member
Splinter, Mike	08/21/2006	12/31/2007	Applied Materials	Special Government Employee (SGE) Member

Wulf, William	08/21/2006 12/31/2007	National Academy Special of Engineering, University of Virginia	Government Employee (SGE) Member
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Number of Committee Members Listed: 12

Narrative Description

The Committee will address the complex issues surrounding sensitive technology transfers which involve the release of closely monitored dual-use technology to foreign nationals in the U.S., known as deemed exports. Unauthorized release of tightly monitored technology to parties of concern could contribute to the development of weapons of mass destruction.

What are the most significant program outcomes associated with this committee?

	Checked if Applies
Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

NA

What are the cost savings associated with this committee?

	Checked if Applies
None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>

\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

NA

What is the approximate Number of recommendations produced by this committee for the life of the committee?

120

Number of Recommendations Comments

The Committee met six times in FY07 and has an average of 20 recommendations per meeting.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

NA

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

NA

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

The agency includes the Deemed Export Advisory Committee in the process of incorporating the determinations of the various multilateral regimes into the Export Administration Regulations.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

- | | |
|-----------------------------------|--------------------------|
| Reorganized Priorities | <input type="checkbox"/> |
| Reallocated resources | <input type="checkbox"/> |
| Issued new regulation | <input type="checkbox"/> |
| Proposed legislation | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Action Comments

NA

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

NA

How is access provided to the information for the Committee's documentation?

Checked if Applies

- | | |
|---------------------------|-------------------------------------|
| Contact DFO | <input checked="" type="checkbox"/> |
| Online Agency Web Site | <input checked="" type="checkbox"/> |
| Online Committee Web Site | <input checked="" type="checkbox"/> |
| Online GSA FACA Web Site | <input checked="" type="checkbox"/> |
| Publications | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Access Comments

N/A