“Defense Trade Advisory Group”

- Federal Advisory Committee (22 U.S.C. 2656, Federal Advisory Committee Act)
- Members appointed by Assistant Secretary of State for Political-Military Affairs

Formal channel for coordination w/ private sector defense exporters on issues of U.S. law for exports of defense trade helping to reduce impediments while protecting foreign policy & national security interests

- Advisory role: cannot make policy, only recommendations
- Reports directly to the Department of State, Directorate of Defense Trade Controls, Political Military Bureau (PM-DDTC)
DTAG MEMBERSHIP

- Up to 60 Members
- Members come from a cross section of U.S. defense industry
  - Association/Foundation
  - Academic/Research Institutes
  - Manufacturers/Exporters
  - Attorneys/Consultants
- Members act in individual capacity – do not represent employers
Non-public taskings received from DDTC twice a year

Working Groups formed to develop recommendations

Results and recommendations presented at biennial public meetings at State Department in DC

Member list, transcript of public meetings, presentations available at:
http://www.pmdddtc.state.gov/dtag/index.html
WORKING GROUPS

2012 – 2014 DTAG:
  • Policy Working Group
  • Regulatory / Technical Working Group

  • Technology transfer
  • Regulation & licensing procedures
  • Technical issues involving USML
  • Actions carrying out the AECA and ITAR
Priorities Working Group

- Evaluate 15 tasks identified by DDTC
  - Recommend the order in which they should be accomplished
  - Provide rationale.
- Recommend other tasks in priority order with rationale.
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<th>NOVEMBER 2012 DTAG MEETING</th>
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<tr>
<td>1.</td>
<td>Brokering update</td>
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<td>2.</td>
<td>Revised definition of defense services</td>
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<td>3.</td>
<td>New definitions levels of maintenance</td>
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<td>Revised definition of public domain</td>
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<td>5.</td>
<td>New exemption for replacement parts</td>
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<td>6.</td>
<td>Revised definition of technical data</td>
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<td>7.</td>
<td>License exemption for certain defense articles incorporated into commercial end-items</td>
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<td>8.</td>
<td>Updated “by or for” the USG exemption</td>
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<td>9.</td>
<td>Revise exemptions referring to transshipments</td>
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<td>10.</td>
<td>Elimination of foreign party signature requirement on TAAs</td>
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<td>11.</td>
<td>Clarification of records maintenance requirement</td>
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<td>12.</td>
<td>Revise temporary import license requirements to apply only for those items that are on the USMIL</td>
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<td>13.</td>
<td>Development of a single form for use by all agencies for the export applications</td>
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<td>14.</td>
<td>USG program licenses</td>
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<td>15.</td>
<td>Australia Defense Trade Cooperation Treaty implementation regulations</td>
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OEM Working Group

- Tasked to review and make recommendations for return and repair of defense articles to ensure that foreign defense articles are properly accounted for when being returned to foreign OEM for repair
- Proposed exemption to allow for export on a one-for-one basis of defense articles to a foreign OEM for repair or replacement and import of repaired or replaced item into the U.S.
Brokering Working Group

- Tasked to review draft proposed brokering rule and report on potential impacts to industry if adopted.
- Commented that rule is “really, really good,” provides clarity on WHO is a broker, and WHAT is a brokering activity; and reduced concerns regarding extraterritoriality.
- Minimal recommended changes – main concern was lack of a clear line as to when brokering begins versus preliminary/basic marketing.
PREVIOUS WORK

- Brokering (2005), (2006)
  - Exemptions (2007)
  - Definitions (2007)
  - Licenses (2007)
  - Shipment for U.S. Govt. (2007)
- Registration Fees (2004)
  - DTRADE (2004)
- USML review (2003)
2012 RULES

Federal Register: https://www.federalregister.gov/

- Notices: Notices of public meetings, hearings, investigations, grants, funding, environmental impact statements, information collections, statements of organization and functions.
- Proposed Rules: Announce and explain agencies’ plans to solve problems and accomplish goals and give interested parties a chance to submit comments to improve the final regulations.
- Final Rules: Regulations that apply to the general public and have final legal effect. Includes Interim final rules, direct final rules, and various determinations, interpretive rules and policy statements.
- Presidential Documents: Documents signed by the President
HOW DO YOU PARTICIPATE?

- Sign up for Federal Register or similar blog
- Review proposed rules, formulate reply and submit
- USG Actions associated with each task:
  - Development of the proposed rule
  - Submission to OMB for interagency coordination
  - Publication of the proposed rule
  - Reconciliation of public comments/development of the final rule
  - Submission to OMB for publication approval
  - Publication of final rule
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