

Defense Trade Advisory Group



DTAG Structure, Operations and Process Working Group
Plenary Session
October 29, 2015

DTAG Task



DTAG Structure and Operations:

“Examine whether the DTAG can function more like the Commerce Technical Advisory Committees (TACs) and how the DTAG could interface with the TACs. Also consider whether State, Commerce, and the Department of Defense should work together to establish and interagency defense trade advisory group.”

DTAG SOP WG Team



Bartlett, Jim (Co-Chair)

DePew, Kim

Haave, Chris

Huffman, Jeremy

Novis, Ari

Pritula, Kim

Rill, Dale (Co-Chair)

Agenda



- Task – “DTAG Structure, Operations and Process Working Group”
- Purpose and Scope
- Evolving technologies and “Defense articles” crossing jurisdictional authority
- Legal foundation permitting Federal advisory committees
- Vision – new “Interagency Trade Advisory Group”
 - I-TAG



Task Order of Review

- SOP WG Task: Review DTAG Structure and Operations and possibility of creating a new interagency committee: the Interagency Trade Advisory Group (“I-TAG”)
- Purpose: Address the need for a policy forum to address joint ITAR and EAR issues under ECR
- Scope: support complex technology reviews to include review of “Defense articles” crossing jurisdictional authority
- Ensure that the I-TAG is permitted by existing legal requirements for Federal advisory groups

Regulatory Review



- Federal Advisory Committee Act (FACA) (1972)
- Federal Advisory Committee Management Final Rule - 2001
- DTAG Terms of Reference and Charter
- Export Administration Act (EAA) (1979)
- TAC Charter

Statutes and regulations – no restriction on interagency cooperation



Regulatory Review

- Federal Advisory Committee Act (FACA) (1972)
 - The statutory foundation defining how federal advisory committees operate
 - Defines “advisory committee” in part as a group:

“established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government”
 - Special emphasis on open meetings, chartering, public involvement and reporting

Statutes and regulations – no restriction on interagency cooperation



Regulatory Review

- Federal Advisory Committee Management Final Rule - 2001
 - New advisory committees should only be established when deemed to be essential
 - Can be established or utilized by one or more agencies after consultation with the GSA Committee Management Secretariat
 - Permits “subcommittees” defined as “a group, generally not subject to the [FACA], that reports to an advisory committee and not directly to a Federal Officer or agency, whether or not its members are drawn in whole or in part from the parent advisory committee.”

Regulatory Review



- DTAG Terms of Reference and Charter
 - The DTAG functions solely as an advisory body to the Department of State's Bureau of Political-Military Affairs in compliance with the provisions of the FACA
 - Established Charter defining DTAG structure
 - To provide a formal channel for regular consultation and coordination with U.S. private sector defense exporters and defense trade specialists
 - The Terms of Reference establish two DTAG Working Groups - Policy Working Group and Regulatory/Technical Working Group
 - The DTAG Charter permits DDTTC to establish Working Groups and Task Forces to assist the DTAG to carry out its work and report to the DTAG (not to USG officials)

Statutes and regulations – no restriction on interagency cooperation



Regulatory Review

- TAC Terms of Reference and Charter
 - The TACs advise and assist the Secretary of Commerce, Secretary of Defense, and any other US Government department or agency delegated authority by the President under the Export Administration Act (EAA)
 - Provide a formal channel for regular consultation and coordination with U.S. private sector industry
 - TACs are Chartered as necessary via a processes described in the EAA and Export Administration Regulations (EAR)
 - TACs have individual Technical Work Groups (TWG) to address specific issues
 - TWG membership can be outside the TAC
 - TWGs can be on-going (even over years) to reach closure for specific items
 - Presently 8 TACS to address different issues:

Emerging Technology	Information Systems
Materials	Material Processing Equipment
Sensor and Instrumentation	Transportation and related Equipment
Regulations and Procedures	President's Export Council subcommittee

Statutes and regulations – no restriction on interagency cooperation



Path to an I-TAG

- Creating an interagency collaboration mechanism
 - Similar to current stakeholder committees
 - New I-TAG
- Take steps within current laws and regulations
 - Order of review, consider DTAG, TACs and other working group tasks with overlapping policy considerations
 - Interaction at various levels within the Gov't and industry
- Unique Charter in furtherance of ECR
 - Sustainability – continuous issues, long term solution identification rather than short term project based matters

Creating MORE continuity with an I-TAG



Vision I-TAG Interim Mechanism

Commerce / BIS

State / DDTTC

Technical Advisory Committees

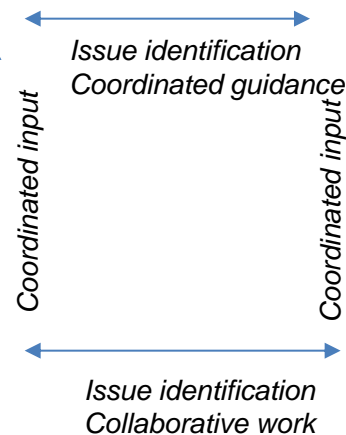
Defense Trade Advisory Group

TWG

TWG

TWG

Working Groups



I-TAG Interfaces at the Working Group Level

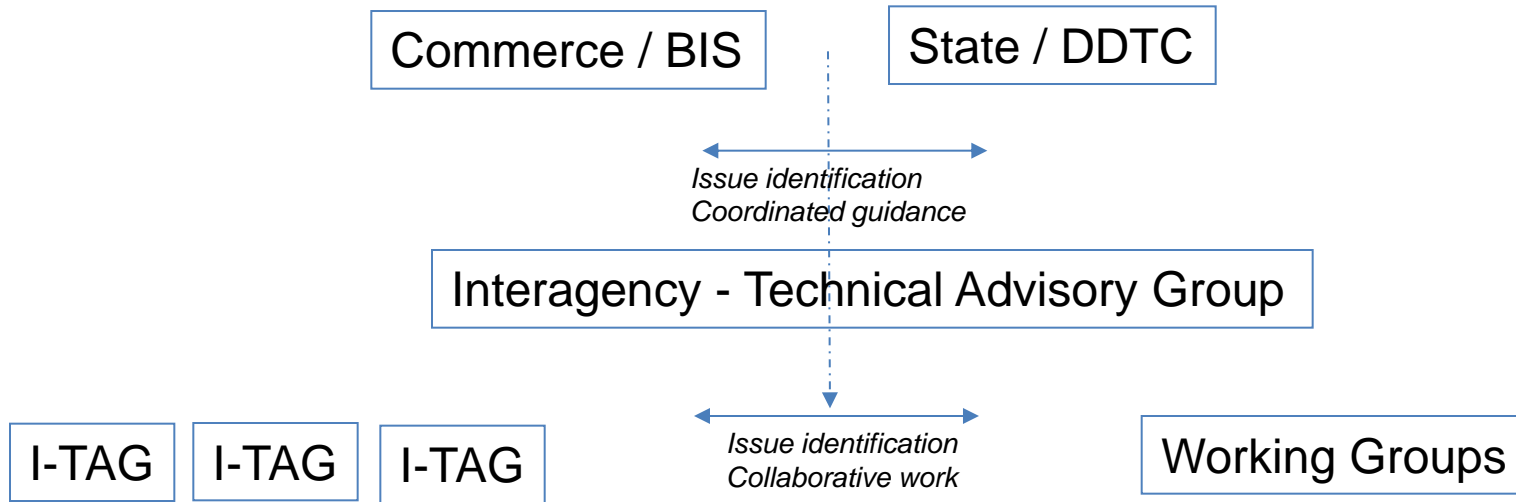
Note:

- Working groups could include non-DTAG members
- Working groups could be on-going rather than time-limited to achieve issue closure
- DTAG use of working groups could be launched now...prior to interagency buy-in

Creating MORE continuity with an I-TAG



Vision I-TAG Future State



TACs and DTAG continue to exist for agency specific issues

Creating MORE continuity with an I-TAG

Expected Benefits



- Promotes interagency participation
 - Industry, DoC, State and DoD
- Cohesive means for regulatory review
- Supports continuous policy and regulatory coordination
- DTAG endorses the task consideration

Creating MORE continuity with an I-TAG