

January 16, 2014

**Defense Trade Advisory Group (DTAG)
Export Control Reform Working Group**

DTAG Working Group # 1 Members:

Spence Leslie, Pentair, Inc. Working Group Co-Chair,
Alfred Furr, BAE Systems, Inc. Working Group Co-Chair, BAE Systems, Inc.

- Marjorie Alquist, Lord
- Brooke Butler, Globaleyes
- Rebecca Conover, Intel Corporation
- Dana Goodwin, TradeLink Systems
- Jeremy Huffman, Huffman Riley Kao PLLC
- Christine McGinn, InterGlobal Trade Consulting, Inc.
- Brenda Nicacio, PPG, Inc.
- Ramzi Robana, Global Integrated Security
- Olga Torres, Braumiller Law PLLC

Purpose

The DTAG WG # 1 was tasked to: *“Identify potential negative impacts and unintended consequences of the Export Control Reform (ECR) Initiatives on industry and provide recommendation on how to overcome/minimize such impacts.”* The specific DTAG WG task was in a July 25, 2013, Department of State tasking letter.

DTAG WG Support of the Export Control Reform Initiative

Industry support the ECR initiative to overhauling the nation’s export control system and recognize that fundamental reform of the current system is necessary to enhance national security by:

1. Focusing resources on the threats that matter most (*higher walls around fewer items*)
2. Increasing interoperability with our Allies; and
3. Strengthening the U.S. defense industrial base by reducing incentives for foreign manufacturers to design out and avoid using U.S. parts and components.

Key Discussion Point

While the WG fully embraced and understood the purpose and rationale of the tasking, the WG deemed it essential to reshape the tasking into a *high-level* discussion to generate specific sub-topics; statements of facts or conclusions; and recommendations. The key high-level discussion points the WG focused its efforts on encompassed four main points:

- Recalibrating requirements = Rapid changes to jurisdictional controls and technology classification;

- Focus and identification of the salient long and short term changes industry will encounter in response to the *plethora* of regulatory changes; and
- A conscious decision not to get into the weeds on issues that have "*already left the station.*" As an example, not spending too much time on evaluating or attempting to redefine key definitions.
- Major Paradigm Shift - Education & Familiarization of the new and revised regulations.

The WG further recognized the fact that there have been numerous discussions and attempts by U.S. regulators and industry to reform the U.S. export control regime – based on criticisms that the export regulations were too cumbersome; specifically the International Traffic in Arms Regulations (ITAR), which required a *post-cold* war facelift; or simply needed to improve interoperability with our closest allies. To date (*and into the foreseeable future*), the proposed and implementing changes under ECR so far have proven to be not only real, but also challenging to implement for all stakeholders (regulators; industry; and compliance/enforcement).

Methodology Use to Identify Unintended Consequences of ECR

1. In furtherance of the assigned task, the WG sought out to review all related Federal Register (FR) publications (*proposed, notices, and final rules*) published to date specifically relating to ECR. See Appendix 1. Sorting out the unintended impact of ECR centered on examining the consequences of U.S. Munitions List (USML) articles transferring from the ITAR to the Export Administration Regulations (EAR); creation of the new 600 series under the Commerce Control List (CCL); and assessing the interchangeability of key definitions between the applicable regulations.
2. Since August 2009, when President Obama announced and directed a broad-based interagency process for reviewing the overall U.S. export control system, including both the dual-use and defense trade processes, subsequently referred to as the ECR Initiative, there have been eight-nine (89) significant ECR-related FR notices published. During the period the WG convened its initial working group meeting in July 2013, to the time it concluded its pre-plenary meeting January 15, 2014, a total of twenty (20) FR notices specifically relating to the ECR initiatives or other significant U.S. export regulatory change (i.e., C.F.R. 22 Part 129 – Registration and Licensing of Brokers) were published. The FRs published during this period included, the most significant rule changes to date under the ECR, the first and second implementation rules transitioning ITAR articles (USML Category VIII - Aircraft and Associated Equipment; XIX – Gas Turbine Engines; and VII – Tanks and Military Vehicles). It should also be noted that during the period of the WG meeting a number of ECR-related "*clean-up*" FR rules were also published. The ECR-related *clean-up* rules primarily served as a means to promote retrospective analysis of rules and/or parts of the rules that may have been found to be ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or clarify them in accordance with what has been discovered.
3. The WG found it useful to present and discuss a number of "*What if scenarios.....*" based on the current known regulatory changes; to include, identifying any abstract belief the effects of the first implementing rule change (October 15, 2013) would have on industry's international trade business as it directly relates to the exporting/importing of defense articles. The WG discussions highlighted a number of transactional-based concerns such as;

- a. Managing existing authorizations wherein transitioned were prevalent;
 - b. Dual-jurisdiction;
 - c. Grandfathering;
 - d. Two-year transition period;
 - e. Jurisdictional Analysis;
 - f. DSP-73, Temporary Export License or similar transactional/procedural issues;
 - g. Specially Designed - newly defined;
 - h. Concept of Catch & Release;
 - i. STA License Exception;
 - j. GOV License Exception;
 - k. Overall "learning curve;"
 - l. De Minimis "who owns it;"
 - m. Training - Customs, Census, etc.;
 - n. Voluntary Disclosures
4. The fact that members of the WG represented various area of international trade spectrum (i.e., Custom Brokers & Freight Forwarders; Principal Company Empowered Officials; International Trade Attorney and Consultants, a consensus was achieved to maximize the professional mixture of the group; hence, a determination was made to conduct an internal survey of its members in an attempt to prioritize the high-level ECR issues requiring greater focus and analysis. The WG members were instructed to select up to four (4) ECR concerns, with their first concern being the concern they were most interested in addressing followed by their second, third, and fourth concern. In addition, a priority ranking (weight) was assigned to each ECR concern choice. For example, a member's first ECR concern topic choice was assigned a priority ranking/weight of 10, their second topic choice was assigned a priority ranking/weight of 9, the member's third topic choice was a priority ranking/weight 8, and so on. See Appendix 2. Finally, the total priority ranking/weight for each responding member's selection was calculated. The following represents the top ECR topic choices identified:
- a. Dual Licensing Predicament;
 - b. Transitioning;
 - c. Commodity Jurisdiction Determination;
 - d. Grandfathering;
 - e. Reclassification & License Jurisdiction Issues;
 - f. Updating Existing Authorizations prior to change over to avoid reclassification issues;
 - g. Specially Designed Confirmation;
 - h. Enforcement;
 - i. Voluntary Disclosures (To Whom) Dual & Multiple Agency Disclosures;
 - j. STA License Exception (Approval Certification from Non-U.S. Party);
 - k. DSP-73 or Similar Transaction/Procedural Issue;
 - l. Recordkeeping;
 - m. Concept of Catch & Release;
 - n. Jurisdictional Analysis; and
 - o. Brokering activities under Department of Commerce

Unintended ECR Identified by the WG

ECR Concern # 1 – Temporary Destabilization of Industries' Compliance Posture

Impact: Unceasing issuance of proposed and final rule changes directly associated with ECR produces an unrealistic timeline for defense manufactures; suppliers; regulators; and enforcement entities to fully implement and manage jurisdictional changes and regulatory mandates.

- Managing the continuous stream of FR changes has unintentionally destabilized industry's ability to effectively establish consistent compliance processes in response to *grandfathered, transitioned, and new regulatory requirements*.

Recommendation: USG Regulators should remain sensitive that industry will require time beyond the implementation dates, grandfathering, etc. to mend the link in the chain.

ECR Concern # 2 – Extent of ECR Implementation Cost (Direct & Indirect)

Impact: Significant time, money, and company resources are being invested in evaluating the operating cost of transitioned items and implementation of ECR. Substantial company costs negate lower unit cost and competitive edge.

- **Direct Cost:** Tied to functional disciplines (*e.g., supply chain; procurement; engineering; programs; etc.*) in learning and complying with the regulation (*e.g., ongoing reclassification and jurisdictional changes*).
- **Indirect Cost:** Tied to administering and establishing workflows and processes to support the regulatory change.
 - Employing additional staff to work through the regulatory changes;
 - Diverting existing staff (assigned to other tasks) to work through the changes;
 - Changes in production processes ;
 - Employing consultants or other sources of expertise to help with the regulatory compliance changes; and
 - Collecting and storing information the regulatory change requires reporting and/or maintaining.

Recommendation: USG regulators must remain sensitive to the effects of regulatory changes and industry's global competitiveness. USG regulators must be open and agile to industry comments and simplification as industry implements changes.

ECR Concern # 3 – Use of License Exception Strategic Trade Authorization (STA)

Impact: Additional compliance (prerequisites) requirements applied to exporter and foreign end-users transacting 600-series items creates administrative duplicity and dampens effective trade between the U.S. and its allies.

- Requirement for all non-US parties to the transaction to have been previously approved on a DDTC or BIS license. Purpose of this requirement is to provide assurances that the non-US parties are trustworthy.
- An unending onerous requirement on both US and Non-US parties.

Recommendation: DDTC/BIS establish and make available a public database of all non US parties approved for the utilization of the STA exception.

ECR Concern # 4 – Management Existing Authorizations

Existing Technical Assistance Agreements

- Discerning the appropriate licensing pathways for post transition activity and associated services on transitioned items becomes problematic and complex during the continued management of the authorization. Ability to obtain Commerce Licenses becomes relevant and existing licenses (DSP-5s; 61s; 73s) in furtherance of take on varying (transitioning & grandfathering) expiration dates.

Minor Amendments to Existing Agreements

- Agreements containing transitioning and non-transitioning items would remain valid until expiration, or for two-years from the effective date of final rule. Excessive processing of paperwork with little returns or value.

Transitioning/Grandfathering

- Pre/Post implementation creates multiple transaction options potentially involving the same items presents confusion and for CBP Outbound Officers and potential unwanted delay, detentions, and seizures.

Foreign Military Sales Activity

- FMS activity remains under the jurisdiction of State; however, associated parts/components transitions under the jurisdiction of Commerce. Jurisdiction of transitioned items when sold, leased or loaned by the DOD under FMS is still unclear. EAR 734.3 (1) (b) (vi) – Items not subject to EAR.

Recommendation: DDTC/BIS issue additional guidance regarding existing agreement management containing mixed items and/or transitioned items and the performance of defense services on those transitioned items. Additional clarification and guidance is needed specific to the conflicting jurisdictional authority under FMS activity when associated parts/components have transitions under the jurisdiction of Commerce.

ECR Concern # 5 – Destination Control Statement (DCS)

Industry Impact: Discerning the appropriate DSC when exporting transitioned or mixed items under a Department of State approval creates compliance uncertain and added complexity for the exporter, consignees, and foreign end-user to effectively manage items exported, retransferred, or reexported pursuant to the approval.

Issue: Required use of revised Country of Ultimate Destination Statement as noted in ITAR § 123.9(b):

“These commodities are authorized by the U.S. Government for export only to [country of ultimate destination] for use by [end user] under [license or other approval number or exemption citation]. They may not be resold, diverted, transferred, or otherwise be disposed of, to any other country or to any person other than the authorized end-user or consignee(s), either in their original form or after being incorporated into other end-items, without first obtaining approval from the U.S. Department of State or use of an applicable exemption.”

- Additional requirement requires applicants using paragraph (x) of the revised USML categories to provide additional information to the foreign parties regarding the jurisdiction of items exported pursuant to paragraph (x).

Recommendation: DDTC/BIS issue a FR rule that reflects a harmonized Destination Control Statement supporting the exporting of ITAR and EAR controlled items under one (State Department) authorization.

ECR Concern # 6 –General Industry Apprehension

- **Compliance versus Enforcement Under ECR**
 - Consent Agreements under Department of State jurisdiction involved inefficiencies in managing authorization wherein OEE enforcement actions relate to proliferation networks supplying 126.1 countries.
- **Voluntary Disclosures Under ECR**
 - Industry views their responsibility as a good corporate citizen to proactively disclose violation infractions wherein OEE enforcement views VSD as the initial phase of an investigation.
- **Dual & Multiple Agency Disclosure Under ECR**
 - Deconflicting USG jurisdiction authority of items approved under the jurisdiction of another USG agency will present tricky situations for industry. Increase in multiple agency involvement in enforcement activities.
- **Disclosure to One Agency and Not the Other resulting in “directed” disclosure under ECR**
 - Overlapping and shared USG jurisdiction adds additional responsibility and susceptibility on industry.

Recommendation: USG compliance and enforcement entities must remain sensitive that administrative errors will occur as industry navigates through new licensing and jurisdictional changes.

Conclusion

Notwithstanding the benefit of having some level of basic marksmanship, the success of hitting a stationary target is generally higher than attempting to hit a perpetual moving target. Similarity, finding a solution(s) or bringing to light unintended consequences in response to a single conditional change is often simpler than attempting to respond to or uncover the effects of unceasing conditional changes with many moving pieces, differing execution dates, dependency on existing conditions and anticipated changes, and changes in regulatory oversight just to mention a few.

The challenge this WG faced in identify an inventory of defined unintended consequences of ECR was an ebb and flow process as the a “pre” implementation target was constantly moving via rule changes, ongoing regulatory updates, guidance clarifications, and simply not enough time conducting business under the implementing rule changes. There should be a strong industry rationale not to assess the effects of ECR and as a bookmarker in time, but rather as a continuous strategy, or at a minimum, a defined period after the first implementation phase to assess the “post” implementation consequences.

Export Control Reform - Unintended Consequences – DTAG Working Group
(January 2014 Plenary Session)

Appendix: 1

Federal Register Proposed, Notices, and Final Rules Associated with Export Control Reform

No	Type	Citation	Publication Date	Department/Agency	Title
1.	FR	78 FR 40921	7/8/2013	DOS/DDTC	Amendment to the ITAR: Continued Implementation of ECR
2.	FR	78 FR 22659	4/16/2013	DOC/BIS	Revisions to the EAR: Initial Implementation of ECR
3.	FR	78 FR 22740	4/16/2013	DOS/DDTC	Amendment to the ITAR: Initial Implementation of ECR
4.	PR	77 FR 37523	6/21/2012	DOC/BIS	Proposed Revisions to the EAR: Implementation of ECR; Revisions to License Exceptions After Retrospective Regulatory Review
5.	PR	77 FR 37346	6/21/2012	DOS/DDTC	ECR Transition Plan
6.	FR	76 FR 35275	6/16/2011	DOC/BIS	ECR Initiative: Strategic Trade Authorization License Exception
7.	PR	77 FR 38556	6/28/2012	DOS/DDTC	ECR Transition Plan
8.	Notice	78 FR 54238	9/3/2013	DOC/ITA	President's Export Council; Meeting
9.	PR	78 FR 45026	7/25/2013	DOC/BIS	Revisions to the EAR : Control of Military Electronic Equipment and Related Items the President Determines No Longer Warrant Control Under the USML
10.	PR	78 FR 45017	7/25/2013	DOS/DDTC	Amendment to the ITAR: Revision of USML Category XI
11.	FR	78 FR 40891	7/8/2013	DOC/BIS	Revisions to the EAR: Military Vehicles; Vessels of War; Submersible Vessels, Oceanographic Equipment; Related Items; and Auxiliary and Miscellaneous Items That the President Determines No Longer Warrant Control Under the USML
12.	PR	78 FR 31431	5/24/2013	DOC/BIS	EAR : Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the USML
13.	PR	78 FR 31444	5/24/2013	DOS/DDTC	Amendment to the ITAR: Revision of USML Category XV and Definition of Defense Services
14.	PR	78 FR 6750	1/31/2013	DOC/BIS	Revisions to the EAR : Articles the President Determines No Longer Warrant Control Under the USML That Are Related To Launch Vehicles, Missiles, Rockets, and Military Explosive Devices
15.	PR	78 FR 6765	1/31/2013	DOS/DDTC	Amendment to the ITAR: Revision of USML Category IV
16.	PR	78 FR 6269	1/30/2013	DOS/DDTC	Amendment to the ITAR: Revision of USML Category XVI
17.	PR	77 FR 71213	11/29/2012	DOC/BIS	Revisions to the EAR To Make the CCL Clearer
18.	PR	77 FR 70945	11/28/2012	DOC/BIS	Revisions to the EAR : Control of Military Electronic Equipment and Related Items the President Determines No Longer Warrant Control Under the USML

Export Control Reform - Unintended Consequences – DTAG Working Group
(January 2014 Plenary Session)

19.	PR	77 FR 70958	11/28/2012	DOS/DDTC	Amendment to the ITAR: Revision of USML Category XI and Definition for Equipment
20.	Notice	77 FR 39679	7/5/2012	DOC/BIS	Request for Public Comments on Shipping Tolerances for Export Licenses Issued by the Bureau of Industry and Security
21.	PR	77 FR 36428	6/19/2012	DOS/DDTC	Amendment to the ITAR: Definition for Specially Designed
22.	PR	77 FR 36409	6/19/2012	DOC/BIS	"Specially Designed" Definition
23.	PR	77 FR 36419	6/19/2012	DOC/BIS	Feasibility of Enumerating Specially Designed Components
24.	PR	77 FR 35310	6/13/2012	DOC/BIS	Revisions to the EAR : Control of Military Training Equipment and Related Items the President Determines No Longer Warrant Control Under the USML
25.	PR	77 FR 35317	6/13/2012	DOS/DDTC	Amendment to the ITAR: Revision of USML Category IX
26.	PR	77 FR 33688	6/7/2012	DOC/BIS	Revisions to the EAR : Control of Personal Protective Equipment, Shelters, and Related Items the President Determines No Longer Warrant Control Under the USML
27.	PR	77 FR 33698	6/7/2012	DOS/DDTC	Amendment to the ITAR: Revision of USML Category X
28.	PR	77 FR 29564	5/18/2012	DOC/BIS	Revisions to the EAR: Auxiliary and Miscellaneous Items That No Longer Warrant Control Under the USML and Items on the Wassenaar Arrangement Munitions List
29.	PR	77 FR 29575	5/18/2012	DOS/DDTC	Amendment to the ITAR: Revision of USML Category XIII
30.	PR	77 FR 25932	5/2/2012	DOC/BIS	Revisions to the EAR : Control of Energetic Materials and Related Articles That the President Determines No Longer Warrant Control Under the USML
31.	PR	77 FR 25944	5/2/2012	DOS/DDTC	Amendment to the ITAR: Revision of USML Category V.
32.	FR	77 FR 22191	4/13/2012	DOC/BIS	Revisions to the EAR : Export Control Classification Number 0Y521 Series, Items Not Elsewhere Listed on the CCL
33.	PR	76 FR 80291	12/23/2011	DOC/BIS	Revisions to the EAR : Control of Submersible Vessels, Oceanographic Equipment and Related Articles That the President Determines No Longer Warrant Control Under the USML
34.	PR	76 FR 80282	12/23/2011	DOC/BIS	Revisions to the EAR : Control of Vessels of War and Related Articles the President Determines No Longer Warrant Control Under the USML
35.	PR	76 FR 80305	12/23/2011	DOS/DDTC	Amendment to the ITAR: Revision of USML Category XX
36.	PR	76 FR 80302	12/23/2011	DOS/DDTC	Amendment to the ITAR: Revision of USML Category VI
37.	PR	76 FR 76072	12/6/2011	DOC/BIS	Revisions to the EAR : Control of Gas Turbine Engines and Related Items the President Determines No Longer Warrant Control Under the USML
38.	PR	76 FR 76097	12/6/2011	DOS/DDTC	Amendment to the ITAR: Establishment of USML Category XIX for Gas Turbine Engines

Export Control Reform - Unintended Consequences – DTAG Working Group
(January 2014 Plenary Session)

39.	PR	76 FR 76100	12/6/2011	DOS/DDTC	Amendment to the ITAR: Revision of USML Category VII
40.	PR	76 FR 68675	11/7/2011	DOC/BIS	Revisions to the EAR : Control of Aircraft and Related Items the President Determines No Longer Warrant Control Under the USML
41.	PR	76 FR 68694	11/7/2011	DOS/DDTC	Amendment to the ITAR: Revision of USML Category VIII
42.	PR	76 FR 47527	8/5/2011	DOC/BIS	Retrospective Regulatory Review Under E.O. 13563
43.	FR	76 FR 4228	1/25/2011	DOC/BIS	U.S.-India Bilateral Understanding: Revisions to U.S. Export and Reexport Controls Under the EAR
44.	PR	75 FR 76935	12/10/2010	DOS/DDTC	Revisions to the USML
45.	PR	75 FR 76930	12/10/2010	DOS/DDTC	Amendment to the ITAR: Revision of USML Category VII
46.	PR	75 FR 76653	12/9/2010	DOC/BIS	Export Control Modernization: Strategic Trade Authorization License Exception
47.	PR	75 FR 76664	12/9/2010	DOC/BIS	CCL: Revising Descriptions of Items and Foreign Availability
48.	Notice	74 FR 61730	11/25/2009	DOS/DDTC	Defense Trade Advisory Group Meeting Agenda
49.	Notice	78 FR 54450	9/4/2013	DOC/BIS	President's Export Council Subcommittee on Export Administration; Notice of Open Meeting
50.	PR	78 FR 46829	8/2/2013	DOE	Assistance to Foreign Atomic Energy Activities
51.	Notice	78 FR 42753	7/17/2013	DOC/BIS	Materials Technical Advisory Committee; Notice of Partially Closed Meeting
52.	FR	78 FR 37371	6/20/2013	DOC/BIS	Wassenaar Arrangement 2012 Plenary Agreements Implementation: CCL, Definitions, and Reports
53.	Notice	78 FR 29700	5/21/2013	DOC/BIS	President's Export Council; Subcommittee on Export Administration; Notice of Open Meeting
54.	FR	78 FR 23675	4/22/2013	DOJ/ATF&E	Importation of Defense Articles and Defense Services-U.S. Munitions Import List (2011R-20P)
55.	Notice	78 FR 21346	4/10/2013	DOC/BIS	Emerging Technology and Research Advisory Committee; Notice of Partially Closed Meeting
56.	PR	78 FR 1317	1/8/2013	RISC	Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions
57.	Notice	77 FR 69789	11/21/2012	DOC/BIS	President's Export Council Subcommittee on Export Administration; Notice of Partially Closed Meeting
58.	Notice	77 FR 50463	8/21/2012	DOC/BIS	President's Export Council Subcommittee on Export Administration; Notice of Partially Closed Meeting
59.	Notice	77 FR 30500	5/23/2012	DOC/BIS	President's Export Council; Subcommittee on Export Administration; Notice of Open Meeting

Export Control Reform - Unintended Consequences – DTAG Working Group
(January 2014 Plenary Session)

60.	Notice	77 FR 8807	2/15/2012	DOC/BIS	President's Export Council, Subcommittee on Export Administration; Notice of Open Meeting
61.	PR	77 FR 7663	2/13/2012	RISC	Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions
62.	PR	76 FR 76085	12/6/2011	DOC/BIS	Revisions to the EAR : Control of Military Vehicles and Related Items That the President Determines No Longer Warrant Control on the USML
63.	Notice	76 FR 52935	8/24/2011	DOC/BIS	President's Export Council, Subcommittee on Export Administration; Notice of Open Meeting
64.	PR	76 FR 41957	7/15/2011	DOC/BIS	Proposed Revisions to the EAR : Control of Items the President Determines No Longer Warrant Control Under the USML
65.	Notice	76 FR 30647	5/26/2011	DOC/BIS	President's Export Council; Subcommittee on Export Administration; Notice of Open Meeting
66.	FR	76 FR 28174	5/16/2011	DOS/DDTC	ITAR: Dual Nationals and Third-Country Nationals Employed by End-Users
67.	PR	76 FR 20590	4/13/2011	DOS/DDTC	ITAR: Defense Services
68.	PR	76 FR 13928	3/15/2011	DOS/DDTC	Amendment to the ITAR: Replacement Parts/Components and Incorporated Articles
69.	Notice	76 FR 10004	2/23/2011	DOC/BIS	President's Export Council; Subcommittee on Export Administration; Notice of Open Meeting
70.	Notice	75 FR 53639	9/1/2010	DOC/BIS	Best Practices for Transit, Transshipment, and Reexport of Items Subject to the EAR
71.	FR	75 FR 52622	8/27/2010	DOS/DDTC	Amendment to the ITAR: Removing Requirement for Prior Approval for Certain Proposals to Foreign Persons Relating to Significant Military Equipment
72.	PR	75 FR 48625	8/11/2010	DOS/DDTC	Amendment to the ITAR: Dual Nationals and Third-Country Nationals Employed by End-Users
73.	PR	73 FR 57554	10/3/2008	DOC/BIS	EAR: Establishment of License Exception Intra-Company Transfer (ICT)
74.	Notice	72 FR 2648	1/22/2007	DOC/BIS	Transportation and Related Equipment Technical Advisory Committee; Notice of Open Meeting

Appendix: 2

Ranking	1st	2nd	3rd	4th
PURPOSE: Determine what high-level topic are you most interested in speaking to specific to the DTAG ECR - Working Group Task.				
DIRECTION: Select up to four (4) choices. Your FIRST topic should be the topic that you are MOST interested in addressing followed by your second, third, and fourth choices.				
PRIORITY RANKING (WEIGHT): Your FIRST choice will get a weight of 10, your second choice will get a weight of 9, and the third 8, and so on. Once all of the WG members have responded, the total weight of each response will be calculated.				
INSTRUCTIONS: Place an "X" under the row (i.e., 1st; 2nd; 3rd; or 4th) to correspond with your topic choice. Your 1st selection should be the topic that you believe is the #1 topic, followed your 2nd selection, followed by your 3rd, and 4th selection.				
TOPIC(S)				
<i>Dual Licensing Predicament</i>				
<i>Transitioning</i>				
<i>Commodity Jurisdiction Determination</i>				
<i>Grandfathering</i>				
<i>Reclassification & License Jurisdiction Issues</i>				
<i>Updating Existing Authorizations prior to change over to avoid reclassification issues</i>				
<i>Specially Designed Confirmation</i>				
<i>Enforcement</i>				
<i>Voluntary Disclosures (To Whom) Dual & Multiple Agency Disclosures</i>				
<i>STA License Exception (Approved Certification)</i>				
<i>DSP-73 or Similar Transaction/Procedural Issue</i>				
<i>Recordkeeping</i>				
<i>Concept of Catch & Release</i>				
<i>Jurisdictional Analysis</i>				
<i>Brokering Under Commerce</i>				
<i>Other</i>				