



Homeland Security

June 17, 2015

Dear science and technology partners,

As you may know, the goal of the President's Export Control Reform Initiative (ECR) is to strengthen national security and the competitiveness of key U.S. manufacturing and technology sectors by focusing on current threats, as well as adapting to the changing economic and technological landscape.¹ I am writing to you as a valued partner of the DHS Science and Technology Directorate (S&T) with regard to recent proposed revisions to export control regulations and how they may impact you. In particular, I want to draw your attention to the proposed text of Category XIV of the U.S. Munitions List (USML) under the International Traffic in Arms Regulations (ITAR). Based on our previous work together, I believe your fielded products and developmental technologies may be affected by changes to this rule, which is being released to the public for comments. The President's ECR has empowered you to help shape this rule. I encourage you to take advantage of the opportunity to impact this regulation by reviewing the enclosed Notice of Proposed Rule Making (Vol. 80 Fed. Reg. 34572 (June 17, 2015)) and submitting comments to DDTCTPublicComments@state.gov with the subject line "ITAR Amendments – Categories XIV and XVIII." Comments on this rule are due no later than August 17, 2015.

As you review Category XIV, please keep in mind the goals of ECR, which are to (1) establish and maintain stringent controls on those sensitive items and technologies that foreign countries and governments cannot produce; and (2) to remove ambiguity in how items and technologies are controlled by identifying positive technical parameters that would identify items that are specially designed, developed, configured, or adapted for the military.² In this way, a more transparent and enforceable set of regulations can emerge and foster stronger national and economic security.

Category XIV (Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment) controls certain biological agents, biologically derived substances, and genetic elements, when such items have undergone particular physical or genetic modifications. Category XIV also controls some equipment used for the dissemination, dispersion, or testing of USML-controlled items, as well as specific biomolecules (e.g., antibodies, recombinant

¹ The White House, Office of the Press Secretary, *White House Chief of Staff Daley Highlights Priority For The President's Export Control Reform Initiative*. 2011.

² The White House, Office of the Press Secretary, *President Obama Lays The Foundation For A New Export Control System To Strengthen National Security And The Competitiveness Of Key U.S. Manufacturing And Technology Sectors*. 2010.

protective antigens, polynucleotides) developed with Department of Defense (DOD) funding. In addition, the proposed rule imposes ITAR controls on selected vaccines developed pursuant to a DOD contract and vaccines designed for the sole purpose of providing protection against certain biological agents controlled under proposed Category XIV(b).

I urge you to undertake a careful review of the rule against your product line and developmental activities to identify the potential impact on your work. You may also want to carefully review the Export Administration Regulations companion rule, which provides additional export control restrictions for items that exist on the Commerce Control List.

I am interested in your specific comments. Although DHS S&T is not ultimately responsible for promulgating these regulations, I strongly encourage you to make your voice heard during the Public Comment period. You have the power to help shape these regulations.

Thank you for your attention to this matter, and for your ongoing contributions to our Nation's homeland security enterprise.

Best regards,

A handwritten signature in black ink, appearing to read 'R. Brothers', is written over the typed name and title. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Dr. Reginald Brothers
Under Secretary for Science and Technology

Enclosure