

## BUREAU OF POLITICAL-MILITARY AFFAIRS

### **DEFENSE TRADE ADVISORY GROUP Terms of Reference**

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#### Establishment

The Defense Trade Advisory Group (DTAG) was established on February 28, 1992, pursuant to the provisions of the Federal Advisory Committee Act (FACA), and is renewed every two years.

#### Objectives and Duties

1. The DTAG shall function solely as an advisory body in compliance with the provisions of the FACA.
2. The objectives of the DTAG are to advise the Department's Bureau of Political-Military Affairs on its support for and regulation of commercial defense trade, helping to ensure that impediments to legitimate exports are reduced while foreign policy and national security interests are protected and advanced in accordance with the Arms Export Control Act (AECA), as amended.
3. The DTAG shall advise the Department on questions involving (a) policy issues on commercial defense trade and technology transfer; (b) regulatory and licensing procedures applicable to defense articles, services, and technical data; (c) technical issues involving the U.S. Munitions List (USML); and (d) questions relating to actions designed to carry out the AECA and International Traffic in Arms Regulations (ITAR).
4. The DTAG shall provide advice to the Department regarding the matters outlined in Paragraphs 2 and 3 above. The DTAG's activities shall include the evaluation of and commentary on data and other information available from the Department, from other reliable sources, and from the members' own experience and resources.
5. The DTAG Chairperson shall submit to the Department an annual Work Plan with specific goals and objectives, as well as an annual report. This report shall

include a summary of DTAG activities during the year and any recommendations of the committee. Recommendations may also be submitted throughout the year.

6. The DTAG shall serve on a continuing basis within the limitations of the FACA. The DTAG and its Working Groups shall terminate automatically on the date specified in the DTAG charter, unless the committee is renewed or extended by appropriate action prior to that date.

### Members

1. The DTAG shall consist of up to sixty members appointed by the Assistant Secretary of State for Political-Military Affairs.
2. Members shall be drawn from a representative cross-section of U.S. defense industry, association, academic, and foundation personnel, including appropriate technical and military experts.
3. All resignations shall be sent in writing to the DTAG Executive Secretary, who is also the Designated Federal Official.

### Responsibilities of the Members

1. DTAG members shall serve for a consecutive two-year term, which may be renewed or terminated at the discretion of the Assistant Secretary of State for Political-Military Affairs.
2. Members shall make recommendations in accordance with the DTAG Charter and the FACA.
3. DTAG members shall make policy and technical recommendations within the scope of the U.S. commercial export control regime as mandated in the AECA, the ITAR, and appropriate directives.
4. All members shall be versed in the complexity of commercial defense trade and industrial competitiveness, and shall be aware of the Department of State's mandate that arms transfers must further U.S. national security and foreign policy interests.
5. Failure of members to attend plenary meetings will result in automatic termination of membership when an annual schedule of such meetings is officially

published in advance in the *Federal Register*. In the absence of a published annual schedule, membership shall automatically terminate for members who fail to attend two consecutive DTAG plenary meetings. In extraordinarily exceptional cases, the Designated Federal Official will consider appeals.

6. The question of membership status may be raised with the PM Assistant Secretary at any time by the Designated Federal Official (DFO) should the DFO have other concerns about Members' attendance and/or participation.

#### Responsibilities of the DTAG Chair and Vice-Chair

1. The Chair and Vice-Chair shall be appointed by the Assistant Secretary of State for Political-Military Affairs. The Chair and Vice-Chair shall serve a two-year term, but may be reappointed at the discretion of the Assistant Secretary of State for Political-Military Affairs.

2. The Vice-Chair shall carry out all functions of the Chair in his or her absence.

3. The two DTAG Working Groups are the Policy Working Group (PWG) and the Regulatory/Technical Working Group (R/TWG). They shall report to and be guided by the Chair and Vice-Chair.

4. The PWG shall consist of persons whose expertise shall enable them to advise the Bureau of Political-Military Affairs on broad issues of defense trade, technology transfer, and commercial arms sales in an effort to aid the Department's function of regulating commercial munitions exports.

5. R/TWG members shall have licensing/regulatory expertise. They will offer advice on possible changes and improvements to regulations and procedures related to exports of defense articles and services and on technical issues related to the USML (ITAR Part 121).

6. The Chair of the Working Group may establish or disband informal subgroups or task forces as he/she deems appropriate to carry out the work of the DTAG.

#### Administrative Provisions

1. DTAG shall ideally meet at least every six months at the call of the Chair, unless the Chair determines, in consultation with the other DTAG officers, that a

meeting is not necessary to achieve the purposes of the Charter. DTAG meetings and projects shall be subject to FACA provisions.

2. All meetings shall be open to the public unless a determination is made in accordance with Section 10(d) of the FACA, as amended, that a meeting or portion of a meeting shall be closed to the public.

3. All formal meetings of the DTAG shall be announced in the *Federal Register* at least fifteen days in advance of the meeting date, listing the time and purpose of the meeting.

4. The records of the DTAG shall consist of all papers and documents pertinent to its establishment and activities, including the Charter, Agendas, Minutes, and Determinations for its proceedings. All unclassified records shall be available for public inspection and copying to the extent required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, in the Bureau of Political-Military Affairs.

5. The Designated Federal Official shall serve as the DTAG Executive Secretary and shall provide appropriate guidance and support services for the PM Assistant Secretary and the committee.

6. Detailed Minutes shall be kept of each meeting. This shall include a record of persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the DTAG. The DTAG Chair, Working Group Chairs, and DTAG Executive Secretary shall certify the accuracy of these Minutes.

7. Members may not be reimbursed for travel, per diem, and other expenses incurred in connection with their duties as DTAG members.