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Bureau of Industry and Security: Retrospective Regulatory Review Under E.O. 13563

Comment On: BIS-2011-0027-0001
Retrospective Regulatory Review Under E.O. 13563

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011 Comment by Borderview International

Submitter Information

Name: Joel D VanderHoek
Organization: Borderview International

General Comment

BIS should clarify in the regulations that it accepts documents with electronic signatures with export license application submissions via SNAP-R. This would bring BIS into compliance with the Federal E-SIGN Law, as well as the Government Paperwork Elimination Act. An example might be a Form BIS-711 (End User Statement) that is required to be completed by the Ultimate Consignee on an export, and signed. In such a case, the BIS-711 should be allowed to be electronically signed by the Ultimate Consignee, using an electronic signature service such as DocuSign.

According to Federal law, such signatures are not to be "As far as I understand, Electronic Signatures are "not to be denied legal effect, validity or enforceability", as provided on the White House's website (at http://www.whitehouse.gov/omb/fedreg_gpea2/):

The Government Paperwork Elimination Act (GPEA) requires Federal agencies, by October 21, 2003, to provide individuals or entities the option to submit information or transact with the agency electronically and to maintain records electronically when practicable. GPEA specifically states that electronic records and their related electronic signatures are not to be denied legal effect, validity, or enforceability merely because they are in electronic form. It also encourages Federal government use of a range of electronic signature alternatives.