December 21, 2012

Regulatory Policy Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 2099B
14th Street and Pennsylvania Avenue NW
Washington, DC 20230

Subject: RIN 0694-AF59 - Proposed Rule, Time Limit for Completion of Voluntary Self-Disclosures and Revised Notice of the Institution of Administrative Enforcement Proceedings

Dear Sir or Madam:

Thank you for the opportunity to provide comments on this proposed rule which would require that the final, narrative account required in voluntary self-disclosures (VSDs) of violations of the Export Administration Regulations (EAR) be submitted to the Office of Export Enforcement within 180 days of the initial VSD notification. This proposed rule also would authorize the use of delivery services other than registered or certified mail for providing notice of the issuance of a charging letter instituting an administrative enforcement proceeding under the EAR. It also would remove the phrase "if delivery is refused" from a provision relating to determining the date of service of notice of a charging letter's issuance based on an attempted delivery to the respondent's last known address. Please accept the following comments on behalf of TechAmerica.

As an active industry partner of the Bureau of Industry and Security (BIS), we wish to advise BIS and the Department of Commerce of our support for the proposed rule on Voluntary Self-Disclosures for greater efficiency in resolution of enforcement proceedings. The proposed rule to require a full narrative account of violations within 180 days of the initial VSD notification should encourage companies with sound Trade Compliance departments to perform with greater precision and transparency. The 180-day period allowed to prepare and submit a narrative account of any violations disclosed to BIS is sufficient for compliance officers to investigate any history of export violations and gain a better understanding of operations within the company or acquisition target. However, we note that BIS does include the ability to request an extension and we do support that provision for unique circumstances.

We understand that BIS also deals with companies who are developing their export control programs. Greater transparency and regulation of the VSD process will benefit those not as familiar with the EAR by mandating comprehensive and timely reporting of suspected violations.

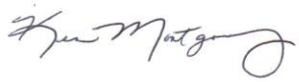
The current lack of transparency of possible enforcement actions ensuing from VSDs is of great concern to the technology industry. With frequent acquisitions, compliance audits and VSDs that arise from such audits are essential to corporate export compliance programs. The history of VSD submissions shows a wide range of resolution times, spanning from the reasonable (several months) to potentially beyond the BIS statute of limitations, despite member companies internal diligence in investigating and documenting violations. Like BIS, we wish to resolve enforcement actions as quickly and efficiently as possible to rectify violations. To that end, to support the management of ongoing compliance programs, we suggest that BIS consider providing:

1. Communication about the status of the investigation of the VSD, akin to status updates in SNAP-R; and
2. Resolution of the VSD or, at a minimum, written communication about the expected resolution date, within 180-days of submission of the full narrative account.

In summary, we concur with BIS' efforts to reform the EAR for a standard timeline of VSD submissions and allow alternate delivery methods for charging letters. We encourage BIS to continue to modernize its regulatory and enforcement operations to concur with the pace of global business.

Thank you once again for the opportunity to provide comments on this proposed rule.

Sincerely,



Ken Montgomery
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