

Bureau of Industry and Security
BIS 2022 UPDATE CONFERENCE ON
EXPORT CONTROLS & POLICY





Brain Computer Interface (BCI) Advanced Notice of Proposed Rulemaking

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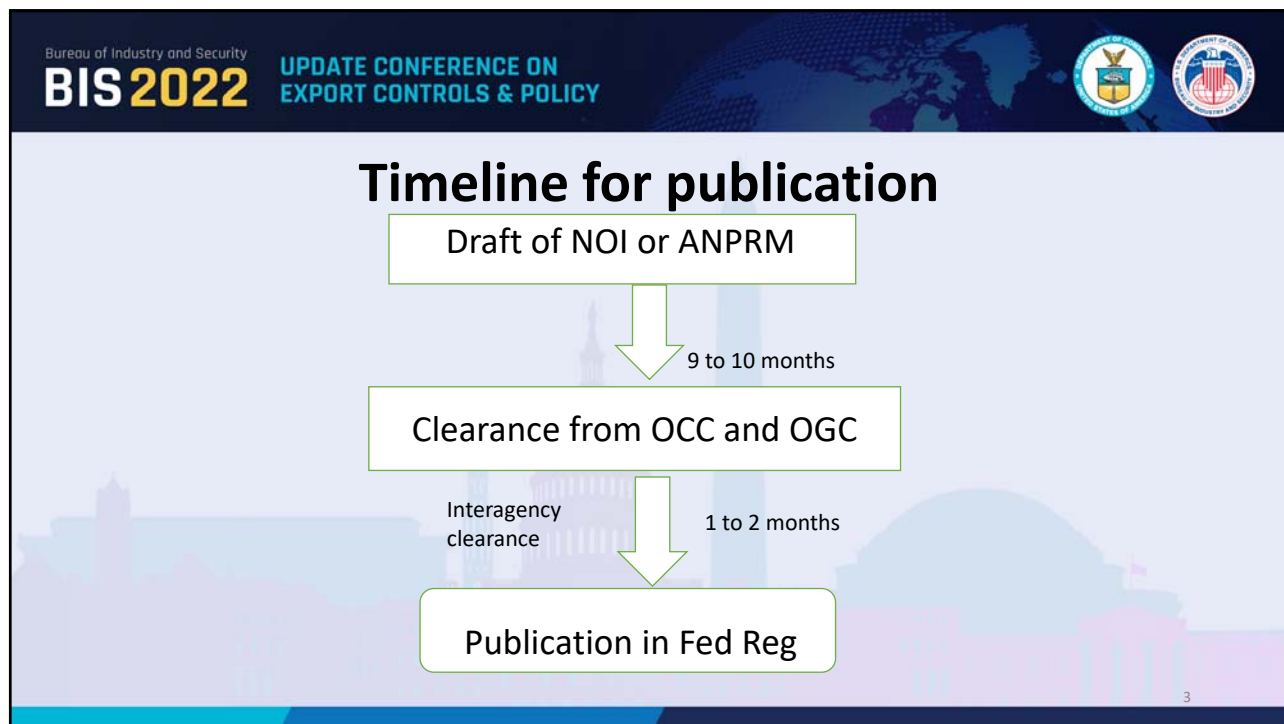
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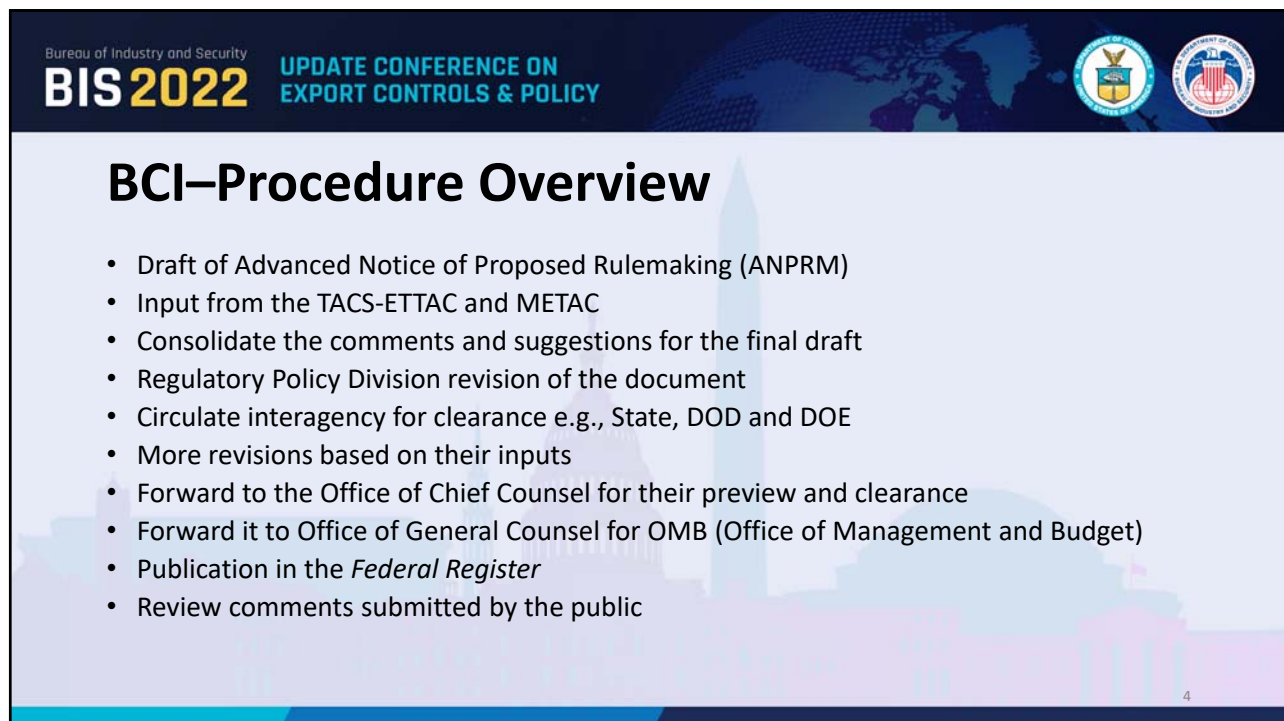
Brain Computer Interface (BCI) At the Beginning

- How did it start
- Preliminary exchanges
- It was determined that further assessment for more inputs was necessary

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Federal Register Notice for BCI

- 86 FR 59070 (Oct. 26, 2021)
- Comments were due before December 10, 2021
- 18 comments were received with one after Dec 10, 2021
- Over 90% recommended EAR99 for medical BCI
- Currently the United States has the most innovations for BCI
- Non-medical use of BCI is mainly for entertainment and gaming

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BCI Current Status

- Comments were received
- BIS is reviewing the comments submitted to determine if a proposal should be made to the multilateral regimes

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Proposals to Multilateral Regimes

- On the basis of public input and review of technical specifications from SMEs, proposals drafted by BIS to the multilateral regimes for consideration
- Proposals have to be cleared by the interagency before presentation to the various multilateral regimes e.g., Australia Group (AG), Wassenaar Arrangement (WA), Missile Technology Control Regime (MTCR)
- Members will vote on these proposals
- If the Regimes adopt the proposals, the control will be added to the lists
- BIS will publish the final rule in the Federal Register
- The new item or technology will then be added to the Commerce Control List (CCL)

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Unilateral Controls

- A temporary unilateral control while the U.S. Government works to adopt a control through the relevant multilateral regime(s)
- ECCN 0Y521-series in a final rule published April 13, 2012 ([72 FR 22191](https://www.federalregister.gov/documents/2012/04/13/72-fr-22191))
- That ECCN identifies items that warrant control on the Commerce Control List (CCL) but are not yet identified in an existing ECCN
- It enables more time for review while the original proposal can be revised to either make it more specific or narrow in scope
- It can then be presented for another round of discussion with the multilateral regimes during an annual meeting
- BIS may extend an item's ECCN 0Y521 classification for two one-year periods, provided that the U.S. Government has submitted a proposal to the relevant multilateral regime(s)
- Extension beyond three years may occur only if the Under Secretary for BIS makes a determination that such extension is in the national security or foreign policy interest of the United States

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