

Advocacy Comments on the U.S. Department of Commerce Advance Notice of Proposed Rulemaking: Securing the Information and Communications Technology and Services Supply Chain License Procedures

On April 28, 2021, the Office of Advocacy submitted comments to the U.S. Department of Commerce (Commerce) on its advance notice of proposed rulemaking to create a license procedure for the securing of information and communications technology.

- On January 19, 2021, Commerce published an [interim final rulemaking](#) on the implementation of Executive Order 13873, “Securing the Information and Communications Technology and Services Supply Chain” (84 FR 22689). The rule would allow the Secretary of Commerce to address national security threats by prohibiting certain information and communications technology and services transactions. The interim final rule became effective on March 22, 2021.
- Commerce announced it would implement a licensing process by May 19, 2021 for any entities, including small businesses, seeking pre-approval (86 FR 4911). However, on March 29, 2021, the Department of Commerce published this advance notice of proposed rulemaking, seeking additional public input on several aspects of a potential voluntary licensing or pre-clearance process. The comment period currently runs from March 29, 2021 through April 28, 2021.
- In the advance notice of proposed rulemaking, Commerce specifically sought input on ways it could provide support to small entities in the licensing or other pre-clearance process that would not impair the goal of protecting national security.
- Advocacy urged Commerce to consider extending the comment period to allow small businesses the opportunity to participate more meaningfully in the rulemaking.
- Advocacy further urged Commerce to hold roundtables for small businesses to fully explain the depth and breadth of the interim rule’s control of information, communication, and technology.

A complete copy of Advocacy’s letter to Commerce [is available here](#). For more information, please contact Major Clark at major.clark@sba.gov.

