

ITAR/EAR Update- Council Meeting March 7, 2013

ITAR- International Traffic in Arms Regulations- administered by the Directorate of Defense Trade Controls, Dept of State. List of defense articles,(U.S. munitions lists) which is controlled for export and import.

EAR- Export Administration Regulations, (EAR), administered by the Department of Commerce, Bureau of Industry and Security. BIS controls the export and import of items on the Commerce Control List.

Timeline of events

May/June 2012-

Issue of ITAR impact on UNOLS Operations

Concern raised by WHOI, LDEO, UAF, and others on impact to operations regarding instrumentation on the ITAR/EAR export control list, i.e. the gravimeter.

June 6-7, 2012- Council Meeting

Council approved that Dennis Nixon/UNOLS prepare an opinion paper of ITAR/EAR. NSF and ONR approve use of available funds to hire a Rhode Island Sea Grant law fellow to work with Dennis on researching topic. Late June UNOLS hires Tracy Harper, law student to assist.

September 2012-

Document titled “UNOLS Vessels and U.S. Exports Regulations: Seeking a Coherent Solution” submitted by Dennis Nixon and Tracy Harper. Report ready to discuss at UNOLS Council Meeting in October 2012.

October 2012 at UNOLS Council Meeting

Council approved that Dennis Nixon as UNOLS Risk Manager: “seek determination by the Department of State and Commerce that scientific equipment fixed to a U.S. flagship engaged in federally sponsored fundamental research is not an export and is exempt from licensing requirements of ITAR and EAR.”

October 24, 2012-

Document prepared by Dennis Nixon and Tracy Harper, Rhode Island Sea Grant Law Fellow, titled: “UNOLS vessels and U.S. Exports Regulations: Seeking a Coherent Solution” sent to Liz Tirpak at U.S. State Department.

Concurrently, Bob Houtman/NSF was asked to brief the Director of NSF to prepare a letter to the Secretary of State requesting a blanket exemption for UNOLS vessels conducting government sponsored research.

November 20, 2012

Liz Tirpak responded with feedback from Sarah Heidema, Policy Division Chief, State Dept. Directorate of Defense Trade Controls.

January 25, 2013

Dennis submitted to Kevin Maloney, Director of Licensing/ Dept. of State letter requesting an advisory opinion. Request was for an exemption under Section 123.11 (b) that specifically exempts vessels like UNOLS, from the requirements for an export license.

Dennis suggested to NSF to hold off sending the NSF letter to the State Dept. until we get a ruling on this.

No feedback received from Kevin Maloney/State Dept, as of 26 February 2013.