① General Cooperative Agreement in-work (long-term for model) → implement article 2
② Working guidelines on technology transfer control
③ Advisory opinion on guidelines (DTC) — writing
④ Contractor submit TAA referencing GCA/Guidelines

* Letter to Remote Sensing Interagency Working Group - Export Licensing Subgroup

Export Licensing & Customs Issues

Michael Beckman E/IA

March 27, 2000

IJPS (Now)
↓
CCA (2001)
↓
JPS (2005)

Technical Assistance Agreements - Status

- LMMS with CNES and DND for SARSAT instruments through N' - CNES has signed, DND is pending
- EUMETSAT & Matra Marconi for MHS on N & N' has been staffed for review, NOAA/GSFC comments sent to NASA HQ
- ITT with BOMEM for CrIS - comments to NASA HQ on January 28, 2000
- TRW with Saab Ericsson et al for GPSOS PDRR - comments to NASA HQ on February 2, 2000

Technical Assistance Agreements - Issues

- NOAA is not officially staffed on review of export licenses from State - NASA HQ is forwarding for comments
  - In effort to expedite, EUMETSAT agreement cleared without NOAA comments
- Contractor personnel are not consulting with NOAA prior to submission of applications
- Despite briefings with State, there seems to be a lack of awareness about our programs and program offices

Technical Assistance Agreements - Actions Taken

- NOAA has assumed membership in the Remote Sensing Interagency Working Group - Export Licensing Subgroup
  - This group reviews all applications related to satellites
- Mignogno letter to Director, Defense Trade Controls urging satisfactory resolution of EUMETSAT issue
  - State insists that they cannot waive ITAR requirements
  - NASA, NOAA urge State to accept in approval letter that IJPS agreement is sufficient safeguard
- Working with State's export policy shop to improve awareness and responsiveness to our programs

Mr. William J. Lowell
Director,
Office of Defense Trade Controls
Department of State
1701 North Fort Myers Drive
SA-6, Room 200
Arlington, VA 22209

Dear Mr. Lowell,

I am writing you regarding TA-231-00 between Lockheed Martin and the European Organization for the Exploitation of Meteorological Satellites (EUMETSAT) and its contractor, Matra Marconi. In June of last year, myself and other NOAA, NASA and Air Force managers briefed your staff on the US-European Initial Joint Polar-Orbiting Meteorological Satellite program (IJPS), the program of concern for which TA-231-00 was submitted. At this briefing, we discussed our program plans, and reviewed with ODTC our plans for compliance with the export regulations in the ITAR.

One of the issues we discussed at this meeting was EUMETSAT's reluctance to sign an agreement with our spacecraft contractor. EUMETSAT, an international governmental organization comprised of 17 European nations, signed an agreement with NOAA in November, 1998, after a protracted review and approval cycle by both parties. They feel strongly that the international program agreement provides sufficient safeguards for protecting sensitive technologies, as does NOAA.

In discussing this with Rose Biancaniello, she indicated that ODTC could not waive ITAR requirements if Lockheed pursued a TAA. She did, however, indicate that State could work with NOAA and Lockheed in providing an alternative to a TAA that the EUMETSAT Council would find more politically acceptable. One option we believe would be appropriate is to include a proviso in the ODTC approval letter, indicating that for activities conducted with EUMETSAT personnel, the international program agreement provides sufficient protection, and the TAA should be signed only between Lockheed Martin and Matra Marconi.

Since TA-231-00 has now been formally staffed for review, I would ask that you afford NOAA the opportunity to discuss this issue with you, prior to final action by your licensing staff.

I can be reached at 301-457-5210 should you wish to contact me.

Sincerely,

Michael Mignogno
POES Program Manager