

Modification of Statutory Debarment of Rocky Mountain Instrument Company

Guidance to Exporters

This notice provides guidance to persons engaged in transactions subject to the International Traffic in Arms Regulations (ITAR) and involving Rocky Mountain Instrument Company (“RMI”) and/or defense articles manufactured by RMI. On May 9, 2016, the Department provided Federal Register notice modifying the statutory debarment imposed by the Department on RMI. As a result of that notice, indirect participation of RMI in certain transactions can now be authorized without the need for a separate transaction exception request.

The following guidance is intended to clarify for exporters the terms of the modified debarment, the scope of the debarment and the specific exceptions to it. Also, below are requirements for submission of a request for an exception (commonly referred to as a "transaction exception") to authorize the inclusion of RMI in a transaction outside the exceptions from the debarment detailed in the *Federal Register* notice.

A link to the *Federal Register* notice originally imposing the statutory debarment can be found [here](#) and the modifying notice [here](#).

Exceptions from the Statutory Debarment

RMI and the Department entered into an Agreement on April 15, 2016 for the Department to monitor and oversee RMI’s participation in limited ITAR activities. Pursuant to the *Federal Register* notice, the Department modified the statutory debarment imposed upon RMI to allow general exceptions from the debarment of RMI, available to persons other than RMI but excluding persons acting for or on behalf of RMI in contravention of ITAR § 127.1(d), for the following categories of authorization requests:

- Applications submitted by persons other than RMI for the export or temporary import of defense articles manufactured by RMI (i.e., where RMI is identified as a Source or Manufacturer);

- Applications submitted by persons other than RMI for the export or temporary import of defense articles manufactured by persons other than RMI which incorporate a defense article manufactured by RMI as a component, accessory, attachment, part, firmware, software, or system;
- The use of other approvals (*see* ITAR § 120.20) by persons other than RMI for the export or temporary import of defense articles described in categories one (1) and two (2) above; and
- Applications submitted by persons other than RMI for agreements identified in ITAR Part 124 in which RMI is identified as a U.S. signatory to the agreement.

Authorizations for transactions outside the scope of these four specific categories continue to require specific transaction exception requests.

Authorization Requests (within the scope of the exceptions to the statutory debarment)

- When submitting an electronic request for authorization, applicants must select 22 CFR § 126.13 certification option (b) due to RMI’s continued statutory debarment. Non-electronic requests for approval (*e.g.*, General Correspondence requests) should reference the debarment exception in the Re: line.
- All authorization requests in which RMI appears, or transactions in which RMI may obtain any benefit therefrom or have a direct or indirect interest therein, must include either reference to or a copy of the *Federal Register* notice modifying the statutory debarment.
 - For electronic submissions, use Attachment Type “Other Amplifying Data” to include either:
 - 1) a copy of the *Federal Register* notice; or
 - 2) a statement that the applicant is utilizing a general exception to the debarment and citing to the modified debarment notice in the *Federal Register*, in lieu of a transaction exception request.
 - For other requests for approval (*e.g.*, General Correspondence requests), include a copy of the *Federal Register* notice or a statement referencing the continued debarment of RMI in the § 126.13 certification and state that the applicant is utilizing a general exception to the debarment and cite to the

modified debarment notice in the *Federal Register*, in lieu of a transaction exception request.

- Users of other approvals (see ITAR § 120.20) for the export or temporary import of defense articles described in categories one (1) and two (2) above should include a copy of the *Federal Register* notice or reference thereto as part of compliance with the general recordkeeping requirements for use of exemptions in ITAR § 123.26.
- The authorization request must meet all other conditions of the ITAR in order to be approved.
- Please address any additional questions to the DDTC Response Team at (202) 663-1282 or by email at DDTCResponseTeam@state.gov.