

Congress of the United States
Washington, DC 20515

December 11, 2018

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Pompeo,

We respectfully request that the U.S. State Department (DOS) eliminate the prohibition on the transfer of defense articles and services to the Republic of Cyprus under 22 CFR § 126.1.

Congress has authorized the President to control the export and import of defense articles and services and to promulgate implementing regulations, 22 USC § 2778, 2751. The President has delegated this authority to the Secretary of State. The International Trade in Arms Regulations (ITAR) implements this statute. The Secretary of State has authorized the Under Secretary for Arms Control and International Security through the Directorate of Defense Trade Controls of the Bureau of Political-Military Affairs to administer ITAR and to modify them at their discretion.

While ITAR identifies the types and categories of defense articles and services, transfers of which are controlled, ITAR also identifies countries to and from which transfers of defense articles and services are prohibited. These countries are set forth on the ITAR list. Unfortunately, in 1985, DOS placed "Cyprus" on the ITAR list for an unknown reason. Additionally, DOS at the time apparently assumed that the name "Cyprus" refers to the Republic of Cyprus. However, the name "Cyprus" does not refer to a country. Instead, it is merely the name of a geomorphological formation in the Eastern Mediterranean Sea. The only internationally-recognized country on the island of Cyprus is the "Republic of Cyprus." Consequently, this ITAR prohibition should not ever have been and should not now be imposed on the Republic of Cyprus.

Even if the name "Cyprus" does refer to the Republic of Cyprus, the prohibition is still unlawful. Under 22 CFR § 126.1(c), a country must fall into at least one of the following four categories in order to be prohibited under ITAR:

1. The United Nations Security Council (UNSC) mandates that the country be subject to sanctions;
2. The Secretary of State has determined that the country is a State Sponsor of Terrorism;
3. The country is subject to an arms embargo or sanctions under U.S. law; or
4. Whenever the export of defense articles or services would not be "in furtherance of world peace and the security and foreign policy of the United States."

The Republic of Cyprus is neither explicitly nor implicitly encompassed with any one of these categories.

The Under Secretary for Arms Control and International Security has the broad authority to correct the foregoing anomaly. He or she can exercise the authority to either:

1. Temporarily suspend or modify ITAR (22 CFR § 126.2); or
2. Make exceptions to ITAR when it is in the interest of the United States (22 CFR § 126.3).

As the Under Secretary has the necessary statutory authority to lift or amend ITAR, no legislation is necessary. The only thing necessary is for DOS to exercise the necessary political will to correct a blatantly unlawful designation. Furthermore, it is the ultimate paradox that the Republic of Cyprus is listed under ITAR while the Republic of Turkey is not. Turkey unlawfully occupies the territory of the Republic of Cyprus, willfully violates the airspace and territorial waters of Greece (a NATO ally) and actively obstructs U.S. policy in Syria. Despite these serious transgressions, the U.S. continues to supply Turkish forces with U.S. defense articles and services.

We therefore urge DOS to eliminate the Republic of Cyprus ITAR designation in accordance with all applicable laws and regulation. Thank you for your attention to and consideration of this important matter.

Sincerely,



Gus M. Bilirakis
Member of Congress



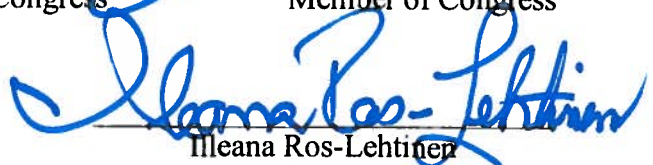
Carolyn B. Maloney
Member of Congress



David N. Cicilline
Member of Congress



Frank Pallone, Jr.
Member of Congress



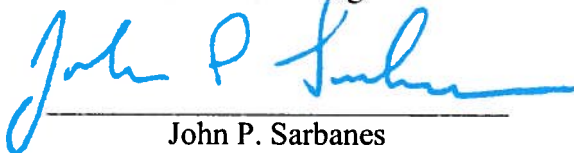
Ileana Ros-Lehtinen
Member of Congress



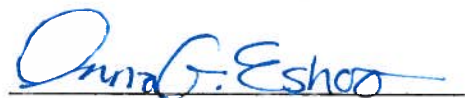
Brad Sherman
Member of Congress



Lee Zeldin
Member of Congress



John P. Sarbanes
Member of Congress



Anna G. Eshoo
Member of Congress



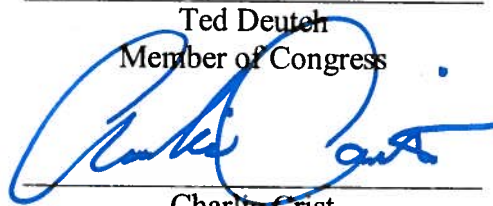
Zoe Lofgren
Member of Congress



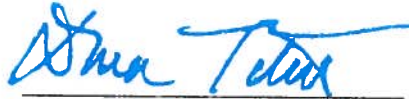
Steve King
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Charlie Crist
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Dina Titus
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