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THE 44%: INTERNATIONAL TRAFFIC IN ARMS REGULATION AND HOW THE UNITED STATES IS HINDERING INTERNATIONAL COOPERATION IN THE EXPLORATION AND USE OF OUTER SPACE

**Abstract**

As of 2010, approximately 44% of graduate students enrolled in American STEM programs were foreign nationals. By 2020 this number is expected to reach 50% or higher, meaning that at least half of the best and brightest minds in American STEM programs will be temporary residents from another country. While it is exciting that thousands of the world's most gifted individuals are crossing oceans and continents to further their development in the States, many of these students are unable to reach their full innovative potential—at a great loss to the United States and the world—due to overly burdensome regulations under the Arms Export Control Act (ITAR). The act bars access by foreign students to vital materials and technical data necessary for the development of new technology in areas—such as satellite remote sensing—where much of the developing world is still struggling to catch up and the United States is quickly falling behind. Although the ITARs allow for the dissemination (“export”) of public “fundamental research,” the state of U.S. technological primacy will continue to deteriorate while half of its potential future engineers, designers, and innovators remain unnecessarily bound by overly constrictive regulations. Furthermore, these regulations are preventing the globalization of useful technologies in a way that is hindering the spirit of international cooperation as envisioned by Article I of the Outer Space Treaty. This article first identifies specific ITAR regulations that bar institutions of higher learning from exposing their foreign students to the materials/information necessary for significant innovations in the area of satellite remote sensing. Subsequently, it proposes changes to the ITAR system that would enable these institutions—many of which play a fundamental role in conducting research for national security needs—to more easily acquire licenses for the purpose of educating its foreign students in such a manner as to facilitate the progressive development of satellite remote sensing technology in both the United States and Abroad.