



## Summary of Changes to International Traffic in Arms Regulations – ITAR Reorg I

**OVERVIEW:** On March 23, 2022, the [Directorate of Defense Trade Controls \(DDTC\)](#) published an ITAR interim final rule ([87 FR 16396](#), effective Sept. 6, 2022). This rule is the first of a multi-year, multi-rule project to better organize the ITAR and is the first comprehensive review of the regulations since the omnibus rule of July 22, 1993 ([58 FR 39280](#)). The purpose of this rule is to consolidate and co-locate the authorities, general guidance, and definitions that have become dispersed throughout the ITAR by subsequent rulemakings.

**REVISIONS OF GENERAL APPLICATION:** Effective September 6, this rule restructures part 120 to better organize definitions previously found throughout the ITAR, consolidates provisions that provide background information or apply throughout the regulations, adds general statements of existing policies and procedures, and makes clarifying revisions to existing text.

Part 120 of the ITAR will be divided into three subparts intended to provide the reader with a roadmap for the regulations. Subpart A – General Information, consolidates and explains the legislative authority and purpose of the regulations to aid in understanding their importance and source. Subpart B – General Policies and Processes, outlines the general processes and policies of the ITAR. Subpart C – Definitions, provides a consolidated list of defined terms that are applicable throughout the ITAR.

In making these generally applicable revisions, and necessary revisions to individual sections, DDTC tried to keep substantive revisions to a minimum. The goal of the first reorganization rule is to improve clarity, not to revise existing policies and procedures or impose new regulatory requirements on the regulated community.

### MOVEMENT, EDITING, REMOVAL, AND ADDITION OF

**ITAR TEXT:** In order to accomplish our goals, DDTC is moving generally applicable text from the various parts of the ITAR to part 120, editing that text where necessary, editing for clarity some text from sections that did not move, removing duplicative, outdated, or unnecessary text, and adding new text to better explain existing policies and procedures. To assist the regulated community in locating familiar ITAR text, DDTC has created a table based on pre-rule section cites that identifies all moves, renumbering, revisions, removals, and new text, and a redline of the entire ITAR showing all changes. Those documents are available on the DDTC website.

### The Rule in a Nutshell –

#### *What does it do?*

1. Pulls diffused authorities, policies, and definitions into distinct and logical subparts
2. Eliminates duplicative text
3. Begins standardizing section structure and style

#### *What doesn't it do?*

Make substantive revisions to the regulations imposing new requirements on the regulated community.

#### *When does it happen?*

**September 6, 2022**

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**REVISIONS OF NOTE:** For a description of all changes in this rule, please see the rule’s Supplementary Information section. DDTC provides here a list of changes, other than those described above, that it believes will be of interest to the regulated community. Please note, however, that this is the first of several rules in the project, and to keep revisions to a minimum DDTC is not implementing these changes universally in this rule. DDTC will accept comments **until May 9, 2022**, and changes to the ITAR will be **effective September 6, 2022**.

### *Style and Structure:*

- **Parentheticals** – removing unnecessary “see” parentheticals for previously defined terms
- **Acronyms** – where a term is used more than twice in a section and clarity is not harmed by its reference through acronym
- **Paragraph Headings** – where appropriate, adding italicized paragraph headings within sections to aid reader in identifying relevant text
- **Lists** – where appropriate, breaking out multi-clause sentences into listed subparagraphs

### *Section Specific:*

- **Designations** – adding explicit limiting of scope of § 120.2 to the “USML in part 121”
- **Commodity Jurisdiction** – breaking existing § 120.4 into two sections, statement of policy in § 120.4 and process for obtaining in § 120.12
- **Licenses and Related Authorizations** – adding a general statement of policy regarding controlled activities requiring license or related authorization
- **Exemptions** – adding in § 120.15 a general statement of policy regarding exemptions
- **End-use Monitoring** – adding a new § 120.17 to describe the statutorily required end-use monitoring program (Blue Lantern)
- **Organizations and Arrangements** – bringing together in § 120.23 descriptions of ITAR-relevant international organizations and arrangements
- **Specially Designed** – moving generally applicable ITAR definitions from the various notes to § 120.41 to stand alone sections
- **Form, Fit, Function, and Performance Capability** – moving from notes to §§ 120.4 and 120.41 to a single instance definition § 120.42
- **Development, Production and Related Terms** – creating single instance definitions in § 120.43
- **United States Munitions List** –
  - creating a new § 120.10 from § 121.1(a) to introduce the USML within subpart A
  - moving order of review from § 121.1(b) to subpart A; adding statement of policy regarding incorporation or integration of defense articles into non-defense articles
  - adding new § 121.0 to re-integrate moved text into part 121
  - standardizing introductory text in data and defense service paragraphs for each Category
  - removing individual definitions of classified from each section as duplicative

### *Removals:*

List of forms; MTCR annex; Presiding official; Reserved paragraphs