



The ITAR (International Traffic in Arms Regulations) is contained in 22 CFR §120 - §130

The International Traffic in Arms Regulations (ITAR) is charged with controlling the export and temporary import of defense articles and defense services covered by the United States Munitions List (USML).

The ITAR is based on the statute of the Arms Export Control Act (AECA) – 22 U.S.C. §2778

The AECA provides the authority to control the export of defense articles and defense services. The AECA charges the President to exercise this authority, which has been delegated to the Secretary of State.

United States Munitions List (USML) is contained within 22 CFR §121.1

There are 21 categories. Learn the categories that your customers ship. Category XXI is only available for use with a CJ (Commodity Jurisdiction).

Definitions are listed in 22 CFR §120

Know what the definitions of export, defense article, defense service, technical data, significant military equipment (SME), and major defense equipment (MDE) are.

Know the responsibilities of an Empowered Official - 22 CFR §120.25

An empowered official is authorized by a business enterprise to sign and process license applications on behalf of the company. An empowered official understands the provisions of ITAR. This is important because an empowered official is held liable for any violations of ITAR.

When does Registration (Form DS-2032) apply and to whom? - 22 CFR §122 & 22 CFR §129

Any person who engages in the United States in the business of manufacturing, or exporting, or temporarily importing defense articles, or furnishing defense services, is required to register with the Directorate of Defense Trade Controls.

Be aware of the 22 CFR §126.1 countries

Prohibited exports, imports, and sales to or from certain countries

It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services destined for or originating in certain countries.

Know the different licenses - 22 CFR §120.28

A license from DDTC is generally required to export, re-export, or transfer defense articles or services covered by the USML.

The freight forwarder/broker **must** be listed as an agent on the license.

- **DSP-5** license for permanent export of unclassified defense articles and related technical data
- **DSP-61** license for temporary import of unclassified defense articles
- **DSP-73** license for temporary export of unclassified defense articles
- **DSP-83** non-transfer and use certificate (required for the export of significant military equipment and classified articles)
- **DSP-85** license for permanent/temporary export or temporary import of classified defense articles and related classified technical data

Know ITAR license exemptions

An EXEMPTION (NOT EXCEPTION) is the “approval” to export articles or technology without a State. By using any license exemption, the exporter is **certifying** that the terms, provisions, and conditions for the use of the license exemption have been met.

- Common Exemptions
- US Government Exemptions - §126.4
- General Exemptions - §123.16
- Temporary Imports - §123.4
- Canada Exemptions - §126.5
- Technical Data Exemptions - §125.4
- Models and mock-ups - §123.16(b)(5)

Authorized agent responsibilities

The agent, when authorized by a USPPPI to prepare and file the EEI for an export transaction, is responsible for performing the following activities:

- Accurate preparation and timely filing of the EEI based on information received from the USPPPI and other parties involved in the transaction.

Obtaining a power of attorney or written authorization to file the EEI

Retaining documentation to support the information reported to the ACE, as specified in 15 CFR §30.10.

Criminal violations; punishment - 22 USC § 2778(c)

Any person who willfully violates any provision of this section, section 2779 of this title, a treaty referred to in subsection (j)(1)(C)(i), or any rule or regulation issued under this section or section 2779 of this title, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, **shall upon conviction be fined for each violation not more than \$1,000,000 or imprisoned not more than 20 years, or both.**