

TACTICAL DISTRIBUTORS - ITAR AGREEMENT FORM

International Traffic in Arms Regulations (ITAR) is a set of United States government regulations that control the export and import of defense-related articles and services on the United States Munitions List. These regulations implement the provisions of the Arms Export Control Act, and are described in Title 22 (Foreign Relations), Chapter I (Department of State), Subchapter M (International Traffic in Arms Regulations) of the Code of Federal Regulations. The Department of State interprets and enforces ITAR. Its goal is to safeguard US national security and further US foreign policy objectives.

Sec. 120.1 General

Purpose: Section 38 of the Arms Export Control Act (22 U.S.C. 2778) authorizes the President to control the export and import of defense articles and defense services. It is the purpose of this subchapter to implement this authority. The statutory authority of the President to promulgate regulations with respect to exports of defense articles and defense services was delegated to the Secretary of State by Executive Order 11958, as amended (42 FR 4311). By virtue of delegations of authority by the Secretary of State, these regulations are primarily administered by the Director of the Office of Munitions Control, Bureau of Politico-Military Affairs, Department of State (35 FR 5422).

Sec. 120.2 Designation of defense articles and defense services

The Arms Export Control Act also provides (22 U.S.C. 2778(a) and 2794(7)) that the President shall designate which articles shall be deemed to be defense articles and defense services for purposes of this subchapter. The items so designated constitute the United States Munitions List, and are specified in part 121 of this subchapter. Such designations are made by the Department of State with the concurrence of the Department of Defense.

Sec. 120.3 Policy on designating defense articles and services

Designations of defense articles and defense services are based primarily on whether an article or service is deemed to be inherently military in character. Whether it has a predominantly military application is taken into account. The fact that an article or service may be used for both military and civilian purposes does not in and of itself determine whether it is subject to the export controls of this subchapter. (Narrow exceptions to this general policy exist with respect to exports of certain spare parts and components in Categories V(d); VIII (e) and (g); XI(e); XII(c); and XVI(b).) The intended use of the article or service after its export (i.e., for a military or civilian purpose) is also not relevant in determining whether the export is subject to the controls of this subchapter.

Sec. 120.4 Relation to Department of Commerce regulations

If an article or service is placed on the United States Munitions List, its export is regulated exclusively by the Department of State. Exports which are not subject to the controls of this subchapter are generally under the regulatory jurisdiction of the Department of Commerce pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 through 2420) and the implementing Export Administration Regulations (15 CFR parts 368 through 399)

Sec. 120.10 Export

Export means, for purposes of this subchapter:

- (a) Sending or taking defense articles out of the United States in any manner; or ...
- (c) Sending or taking technical data outside of the United States in any manner except by mere travel outside of the United States by a person whose personal knowledge includes technical data; or
- (d) Disclosing or transferring technical data to a foreign person, whether in the United States or abroad; or
- (e) The performance of a defense service on behalf of, or for the benefit of, a foreign person, whether in the United States or abroad.

Sec. 120.11 Foreign person

Foreign person means any person (Sec. 120.16) who is not a citizen or national of the United States unless that person has been lawfully admitted for permanent residence in the United States under the Immigration and Naturalization Act (8 U.S.C. 1101, section 101(a)20, 60

Stat. 163) (i.e., individuals referred to as "immigrant aliens" under previous laws and regulations). It includes foreign corporations (i.e., corporations that are not incorporated in the United States), international organizations, foreign governments, and any agency or subdivision of foreign governments (e.g., diplomatic missions).