



DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice: 13057]

RIN 1400-AG11

International Traffic in Arms Regulations: USML Category I Firearm Suppressors

AGENCY: Department of State.

ACTION: Interim final rule; request for comments.

SUMMARY: In support of the President’s Executive Order of April 9, 2025, on Reforming Foreign Defense Sales to Improve Speed and Accountability, the Department of State (the Department) issues this interim final rule removing firearm silencers, mufflers, and sound suppressors for non-automatic and semi-automatic firearms from the U.S. Munitions List (USML).

DATES: *Effective date:* [INSERT DATE 120 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Comment due date: Send comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Interested parties may submit comments to the Department by any of the following methods:

- Visit the *Regulations.gov* website at: <https://www.regulations.gov> and search for the docket number **DOS-2026-0760**.
- *Email:* DDTCPublicComments@state.gov. Commenting parties must include RIN 1400-AG11 in the subject line of the email message.

See **SUPPLEMENTARY INFORMATION** for other information about electronic filing in the “Comment Submission Instructions” section.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Haddad, Foreign Affairs Officer, Office of Defense Trade Controls Policy, U.S. Department of State, telephone: (202) 663-1282; email *DDTCCustomerService@state.gov*. SUBJECT: International Traffic in Arms Regulations: Firearm Suppressors (RIN 1400-AG11).

SUPPLEMENTARY INFORMATION: The Department of State's Directorate of Defense Trade Controls (DDTC) administers the International Traffic in Arms Regulations (ITAR; 22 CFR parts 120 through 130) to, among other things, regulate the export, reexport, retransfer, and temporary import of the defense articles and defense services identified on the USML at 22 CFR 121.1. Items not subject to the ITAR or to the exclusive licensing jurisdiction of any other department or agency of the U.S. Government are subject to the Export Administration Regulations (EAR, 15 CFR parts 730 through 774, which includes the Commerce Control List (CCL) in supplement no. 1 to part 774). The EAR is administered by the Bureau of Industry and Security (BIS), U.S. Department of Commerce. This rule does not modify the list of defense articles and defense services controlled for purposes of permanent import by the Attorney General, as enumerated on the U.S. Munitions Import List (USMIL) at 27 CFR 447.21. Section 38 of the Arms Export Control Act (AECA) (22 U.S.C. 2778), the authority from which the ITAR is derived, requires periodic review to determine what articles and services, if any, no longer warrant designation on the USML at ITAR § 121.1. In maintaining the USML, DDTC's Office of Defense Trade Controls Policy (DTCP) identifies articles and services for review for removal from or addition to the USML, or clarification on how they are described on the USML, through a variety of methods, including public feedback and interagency consultations, commodity jurisdiction reviews, advisory opinions, and technology monitoring. The Department maintains the USML such that it comprises those defense articles or defense services that provide a critical military or intelligence advantage or, in the case of weapons, have an inherently military

function. The Department, informed by consultations with its interagency partners, determined the articles this rule removes from the USML no longer meet this standard. On April 9, 2025, the President issued Executive Order 14268, “Reforming Foreign Defense Sales to Improve Speed and Accountability.” This action directed the Department to review the USML to ensure that its scope of control focused “solely on our most sensitive and sophisticated technologies.” As part of this review, the Department has determined that silencers, mufflers, and sound suppressors for non-automatic and semi-automatic firearms, which are currently described in USML Category I(e), no longer provide a critical military or intelligence advantage. Accordingly, the Department is removing these items from the USML and making conforming changes. This change will take effect 120 days after the publication of this rule. The Department requests public comments on this scheduled change by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

USML Category I(e) Silencers, Mufflers, and Sound Suppressors

The Department previously considered removing silencers, mufflers, and sound suppressors from the USML in 2020. At that time, multiple commenters argued that such articles should no longer be described on the USML given their wide availability, including from foreign sources. The Department acknowledged this availability but determined their military utility continued to necessitate their inclusion on the USML because of their ability to obscure the location of weapons fire, limiting an adversary’s ability to counter-attack.

In its current review of the USML, the Department took those prior factors into account and reassessed them. It also supplemented those considerations with the facts that competitive sport shooting organizations include disciplines for target shooting with suppressed rifles, and sound suppressors have recently been endorsed by at least one related non-profit medical organization as “an effective method of reducing the risk of

hearing loss” related to firearm usage. That endorsement was based on a 2011 study by the Centers for Disease Control, which identified sound suppressors as “[t]he only potentially effective noise control method to reduce noise exposure from gunfire.”

The Department continues to assess that silencers, mufflers, and sound suppressors specially designed for fully automatic firearms provide a critical military or intelligence advantage. Such items have design properties that enable them to enhance the utility of fully automatic firearms (e.g., increased heat dissipation to handle multiple rounds) and, given the inherent military nature of those weapons, have limited non-military use cases. Consequently, the Department is retaining those items on the USML.

However, the Department now assesses that firearm silencers, mufflers, and suppressors, other than those specially designed for fully automatic firearms, no longer provide a critical military or intelligence advantage based on the sum of the following factors: growing global adoption of firearm suppressors for civil uses; the reported benefits associated with reduced firearms noise; the existence of numerous foreign manufacturers of such items; and the Department’s assessment that barriers to acquiring the instructions, materials, and skills to effectively manufacture these items have become appreciably lower. Additionally, there are negligible serious reliance interests to consider from regulated U.S. persons, wherein the changes made by this rule would cause serious harm to interests based on their reliance on existing regulations. Further, any reliance interests would, nevertheless, be outweighed by the Department’s policy considerations, and by the fact that U.S. industry will benefit by having more access to foreign markets alongside foreign competitors. Consequently, the Department is removing firearm silencers, mufflers, and suppressors for non-automatic or semiautomatic firearms from the USML. When the Department removes these items from the USML, they will remain subject to U.S. export controls under the jurisdiction of the EAR and will be described on the CCL under Export Control Classification Numbers (ECCNs) 0A501.f and 0A502.f.

Controlling these items for export under the EAR will still serve the United States' foreign policy and national security interests. The Department is therefore implementing this change with this rule, while delaying its effective date for 120 days, to afford time to solicit public views on the matter.

Comment Submission Instructions

Include the Regulatory Information Number (RIN) (1400-AG11) or agency name and docket number on all submissions related to this rule. Submission of comments to *www.regulations.gov* is preferred. Commenters are cautioned not to include proprietary, export-controlled, or other sensitive information that they are not comfortable making public in their comments. If such information would provide useful insight to the comment, (1) assemble that information in a separate document with proprietary markings; (2) include "Proprietary supplement on file with: [provide POC]" as the first line in the body of the email submission; (3) submit the public portion of the comment via email; and (4) call DDTC at (202) 663-1282 to coordinate submission of the proprietary supplement.

REGULATORY ANALYSIS AND NOTICES

Administrative Procedure Act

This rulemaking is exempt from the rulemaking requirements of section 553 of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(a)(1) as a military or foreign affairs function of the United States. Furthermore, this action is exempt from the judicial review provisions of the APA pursuant to 5 U.S.C. 701(a)(1), as 22 U.S.C. 2778(h) precludes judicial review of designations of items on the U.S. Munitions List, which necessarily includes de-designations or removals.

Regulatory Flexibility Act

Since this rule is exempt from the notice-and-comment provisions of 5 U.S.C. 553, the rule does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate or by the private sector, of \$100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule does not meet the criteria of 5 U.S.C. 804(2).

Executive Orders 12372 and 13132

This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Order 12866, as amended by Executive Order 13563, directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. After review by the Office of Management and Budget (OMB), this rule has been designated a “significant regulatory action.”

In addition to the direction in Executive Order 14268, this rule was undertaken pursuant to a statutory directive to periodically review the items on the USML. The Department generally determines which items warrant addition to, or removal from, the USML by assessing whether each provides a critical military or intelligence advantage

based on national security and foreign policy considerations. Because the costs and benefits of changing what is controlled focus on the effect or utility of the item or service, rather than its market prevalence or economic value, quantitative analyses cannot be usefully estimated and are not available, particularly since the global prevalence of the item or service are not known. Qualitatively, because this change will result in the removal of silencers, mufflers, and sound suppressors from the USML, which will reduce regulatory requirements and obligations, the Department assesses the costs associated with this rule will be outweighed by the benefits.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, Executive Order 13175 does not apply to this rulemaking.

Executive Order 14192

This rule is exempt from Executive Order 14192 as it is a regulation issued with respect to a foreign affairs or national security function of the United States.

Paperwork Reduction Act

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 121

Arms and munitions, Classified information, Exports.

For the reasons stated in the preamble, the Department of State amends 22 CFR part 121, the United States Munitions List, as follows:

PART 121—THE UNITED STATES MUNITIONS LIST

1. The authority citation for part 121 continues to read as follows:

Authority: 22 U.S.C. 2752, 2778, 2797; 22 U.S.C. 2651a; Sec. 1514, Pub. L. 105-261, 112 Stat. 2175; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

2. Amend § 121.1 in Category I by revising paragraph (e) to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category I—Firearms and Related Articles

* * * * *

* (e) Silencers, mufflers, and sound suppressors, specially designed for defense articles described in paragraph (b) or (d) of this category.

* * * * *

Thomas G. DiNanno,

Under Secretary for Arms Control and International Security,

U.S. Department of State.

[FR Doc. 2026-14943 Filed: 7/22/2026 8:45 am; Publication Date: 7/23/2026]