



DEPARTMENT OF STATE

22 CFR Part 120, 123, 125, and 126

[Public Notice: 13121]

RIN 1400-AG31

International Traffic in Arms Regulations: Clarifying Policies of Denial, Updating the Major Non-NATO Ally List, and Minor Corrections

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to clarify certain policy-of-denial provisions, update country policies for Ethiopia and Somalia, add Saudi Arabia and Peru to the list of major non-NATO allies, and make other miscellaneous corrections.

DATES: This rule is effective on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Haddad, Foreign Affairs Officer, Office of Defense Trade Controls Policy, U.S. Department of State, telephone 771-204-7878; email DDTCCustomerService@state.gov. ATTN: Regulatory Change, ITAR Section 126.1 Clarification.

SUPPLEMENTARY INFORMATION: It is the policy of the United States to deny licenses or other approvals for exports and imports destined for, or originating in, certain countries. That policy is codified in the ITAR in § 126.1(a), and countries subject to it are identified in paragraph (d). Within that paragraph, the Department distinguishes between countries subject to a comprehensive policy of denial and those subject to qualified policies of denial. Countries subject to a comprehensive policy of denial are identified in § 126.1(d)(1). Meanwhile, qualified policies of denial are described in § 126.1(d)(2). To improve clarity regarding the scope of these

prohibitions, and to make additional changes to implement recent policy actions and correct minor typographical errors, the Department is amending parts 120, 123, 125, and 126 of the ITAR. The changes are as follows:

Improving the Organization and Readability of § 126.1

- The text of § 126.1(a) is modified to specify that its prohibitions apply to “exports, reexports, retransfers, and temporary imports of defense articles and defense services destined for, or originating in, certain countries.” This revision more specifically states which controlled events are subject to a policy of denial, and similar changes are made in this rule to other paragraphs for the same reason. Additionally, a revision is made to further emphasize that the ITAR’s prohibitions on brokering activities involving countries identified in § 126.1 can be found in § 129.7.
- *Identification.* To better introduce the topic of paragraph (c) and to conform with the structure and style of paragraphs in the section, the Department is adding the paragraph heading “*Identification in this section.*” to paragraph (c).
- The general policy descriptions in paragraphs (d)(1) and (2) are revised by clarifying that “exports, reexports, retransfers, and temporary imports” of defense articles and defense services are affected by these prohibitions.

Clarifying Policy of Denial-Related Prohibitions

- *§ 120.15 Exemptions.* The prohibition on exemption usage described in § 120.15(c) is revised to specify that it applies to exports, reexports, retransfers, and temporary imports of defense articles and defense services.
- *§ 123.16 Exemptions of general applicability (defense articles).* The license exemption described in § 123.16 is revised to specify that the exemptions may not be used for defense article and defense service exports, reexports, or retransfers to, or temporary imports from, any proscribed countries, areas, or persons identified in § 126.1 of this subchapter, except as provided in § 126.1.

- *§ 125.4 Exemptions of general applicability (technical data and classified defense articles).*
 - In § 125.4(a), the text is revised to specify that the exemptions in the paragraph may not be used for defense article and defense service exports, reexports, retransfers to, or temporary imports from, any proscribed countries, areas, or persons identified in § 126.1 of this subchapter, except as provided in § 126.1. The paragraph is also revised to specify that the exemptions in the paragraph may not be used for transfers “to or for” – rather than just “for” – persons ineligible under § 120.16. This change confirms that such persons may not participate in any ITAR-controlled activities under these exemptions. A minor typographical correction is also made to capitalize the word “Controls.”
 - The § 125.4(b)(10) exemption text is revised to replace the term “Disclosures” with the ITAR term “Releases.” A minor typographical correction is also made to hyphenate “full-time.”

Updating § 126.1 Country Policies

- The entry for Ethiopia in paragraph (n) is removed and the paragraph is reserved, implementing a February 5, 2026 policy determination by the Secretary of State terminating the policy of denial for licenses or other approvals for exports of defense articles or defense services destined to or for the armed forces, police, intelligence, or other internal security forces of Ethiopia.
- The entry for Libya in paragraph (k) is revised to make several minor clarifications and typographical corrections:
 - Paragraph (3) is revised to use the ITAR phrase “defense services” instead of “technical assistance or training.”
 - Paragraph (6) is revised to replace the phrase “arms and related material” with “defense articles” and to replace “provision of assistance or personnel” with

“defense services.” It also replaces the phrase “Committee of the Security Council concerning Libya” with the more specific “committee of the United Nations Security Council concerned with Libya,” which is the ITAR’s standard formulation and reflects that the committee is not named with a proper noun.

- Paragraph (8) is revised to add the phrase “provided by the United States Government” after “Defense services,” which was mistakenly omitted in a prior rule. The word “associated” is removed from the phrase “associated temporary exports of defense articles” to clarify that those temporary exports do not need to be specifically associated with the defense services in question to qualify for this exclusion.
- Paragraph (9) is revised to remove the superfluous “’s” after “United Nations.”
- The entry for Somalia in paragraph (m) is revised to remove a comma from the existing text clarify the text of the exclusion from the policy of denial. This change affirms that the supply of weapons, ammunition, or military equipment may be authorized through case-by-case licensing review if intended solely for the support of, or use by, European Union training and support activities, Turkey, the United Kingdom, and the United States; it equally applies in the same circumstances for other United Nations Member States that have concluded a Status of Forces Agreement with Somalia, provided those Member States pre-notify the committee of the United Nations Security Council concerned with Somalia. The Department will consider applications for such activities on a case-by-case basis.
- The entry for South Sudan in paragraph (w) is revised to clarify that the policy of denial generally applies to both exports and imports of defense articles and defense services. A stylistic change is also made in paragraph (2) to use the standardized phrase “committee of the United Nations Security Council concerned with South Sudan.”

Correcting Technical Errors in the § 126.5 Canadian Exemptions

- The Canadian exemption for temporary and permanent export at § 126.5(b) is revised to remove a requirement that contradicts the text of § 123.10. The current § 126.5(b) text states that exporters must obtain a Nontransfer and Use Certificate (Form DSP-83) for all significant military equipment transferred under the § 126.5(b) exemptions. Section 123.10 states that such assurances are not required when using the § 126.5 exemptions. This revision aligns the two paragraphs and clarifies that such certificates are not needed when using the § 126.5(b) Canadian exemption.
- A similar correction is made to § 126.5(d) to specify that the paragraph's reexport/retransfer exemption requirements do not include the need to obtain Nontransfer and Use Certificates, notwithstanding the cross reference to § 123.9(c) and the requirement to include the information required by that paragraph, which in turn references § 123.1, and the need to include all documentation required of a permanent export license.

Updating the Major Non-NATO Allies List

- In § 120.23, the list of “major non-NATO allies” is revised to add Saudi Arabia (91 FR 3017, January 13, 2026) and Peru (91 FR 3019, January 14, 2026.)

REGULATORY ANALYSIS AND NOTICES

Administrative Procedure Act

This rulemaking is exempt from the rulemaking requirements 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. As the provisions of section 553 do not apply to this rulemaking, the Department is publishing this rule with an immediate effective date and without a request for public comment.

Regulatory Flexibility Act

Since this rule is exempt from the notice-and-comment rulemaking 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

The Office of Information and Regulatory Affairs has found that this rulemaking is not a major rule within the criteria of 5 U.S.C. 804(2). This rule will not increase costs or prices and should have no adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets. The Department does not expect this change to have an annual effect on the economy of \$100 million or more.

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). As a result of this change, certain restrictions on defense trade activities will be clarified. Other changes modestly expand the scope of permissible defense trade activities. Because this rule, on balance, removes regulatory requirements and obligations, the Department believes costs associated with this rule will be minimal. This rule has been

designated a “significant regulatory action” by the Office of Information and Regulatory Affairs under Executive Order 12866.

Executive Order 12988

The Department of State has reviewed this rulemaking in light 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 the requirements of Executive Order 14192 because it relates 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

22 CFR Part 120

Arms and munitions, Classified information, Exports.

22 CFR Part 123

Arms and munitions, Exports, Reporting and recordkeeping requirements.

22 CFR Part 125

Arms and munitions, Classified information, Exports.

22 CFR Part 126

Arms and munitions, Exports, Reporting and recordkeeping requirements, Technical assistance.

PART 120—PURPOSE AND DEFINITIONS

1. The authority citation for part 120 continues to read as follows:

Authority: 22 U.S.C. 2651a, 2752, 2753, 2776, 2778, 2779, 2779a, 2785, 2794, 2797; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

2. Amend § 120.15 by revising paragraph (c) to read as follows:

§ 120.15 Exemptions.

* * * * *

(c) Exemptions provided in this subchapter do not apply to defense article and defense service exports, reexports, or retransfers to, or temporary imports originating from, any proscribed countries, areas, or persons identified in § 126.1 of this subchapter, except as provided in § 126.1.

* * * * *

3. Amend § 120.23 by revising paragraph (b)(2) to read as follows:

§ 120.23 Organizations and arrangements.

* * * * *

(b) * * *

(2) The following countries have been designated as major non-NATO allies: Argentina, Australia, Bahrain, Brazil, Colombia, Egypt, Israel, Japan, Jordan, Kenya, Kuwait, Morocco, New Zealand, Pakistan, Peru, the Philippines, Qatar, the Republic of Korea, Saudi Arabia, Thailand, and Tunisia. Taiwan shall be treated as though it were designated a major non-NATO ally.

* * * * *

PART 123—LICENSES FOR THE EXPORT AND TEMPORARY IMPORT OF DEFENSE ARTICLES

4. The authority citation for part 123 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2753; 22 U.S.C. 2651a; 22 U.S.C. 2776; Pub. L. 105-261, 112 Stat. 1920; Sec. 1205(a), Pub. L. 107-228; Sec. 520, Pub. L. 112-55; Section 1261, Pub. L. 112-239; E.O. 13637, 78 FR 16129.

5. Amend § 123.16 by revising paragraph (a) to read as follows:

§ 123.16 Exemptions of general applicability.

(a) The following exemptions apply to exports, reexports, retransfers, or temporary imports of unclassified defense articles for which no approval is needed from the Directorate of Defense Trade Controls. These exemptions do not apply to: Proscribed destinations under § 126.1 of this subchapter; exports for which Congressional notification is required (*see* § 123.15 and § 124.11 of this subchapter); defense articles designated as Significant Military Equipment (SME) or on the Missile Technology Control Regime (MT) Annex; and may not be used by persons who are generally ineligible as described in § 120.16 of this subchapter. All shipments of defense articles, including but not limited to those to Australia, Canada, and the United Kingdom, require an Electronic Export Information (EEI) filing or notification letter. If the export of a defense article is exempt from licensing, the EEI filing must cite the exemption. Refer to § 123.22 for EEI filing and letter notification requirements.

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**PART 125—LICENSES FOR THE EXPORT OF TECHNICAL DATA AND
CLASSIFIED DEFENSE ARTICLES**

6. The authority citation for part 125 continues to read as follows:

Authority: Secs. 2 and 38, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778); 22 U.S.C. 2651a; E.O. 13637, 78 FR 16129.

7. Amend § 125.4 by revising paragraphs (a) and (b)(10) to read as follows:

§ 125.4 Exemptions of general applicability.

(a) The following exemptions apply to exports of technical data for which approval is not needed from the Directorate of Defense Trade Controls. The exemptions, except for paragraph (b)(13) of this section, do not apply to defense article and defense service exports, reexports, or retransfers to, or temporary imports from, proscribed destinations under § 126.1 of this subchapter or for persons considered generally ineligible under § 120.16 of this subchapter. The exemptions are also not applicable for purposes of establishing offshore procurement arrangements or producing defense articles offshore (*see* § 124.13), except as authorized under paragraph (c) of this section. Transmission of classified information must comply with the requirements of the Department of Defense National Industrial Security Program Operating Manual (unless such requirements are in direct conflict with guidance provided by the Directorate of Defense Trade Controls, in which case the latter guidance must be followed) and the exporter must certify to the transmittal authority that the technical data does not exceed the technical limitation of the authorized export.

(b) * * *

(10) Releases of unclassified technical data in the U.S. by U.S. institutions of higher learning to foreign persons who are their bona fide and full-time regular employees. This exemption is available only if:

* * * * *

PART 126—GENERAL POLICIES AND PROVISIONS

8. The authority citation for part 126 continues to read as follows:

Authority: 22 U.S.C. 287c, 2651a, 2752, 2753, 2776, 2778, 2779, 2779a, 2780, 2791, 2797, 10423; sec. 1225, Pub. L. 108-375, 118 Stat. 2091; sec. 7045, Pub. L. 112-74, 125 Stat. 1232; sec. 1250A, Pub. L. 116-92, 133 Stat. 1665; sec. 205, Pub. L. 116-94, 133 Stat. 3052; and E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

9. Amend § 126.1 by:

a. Revising paragraph (a);

b. In paragraph (c), adding a paragraph heading;

- c. Revising paragraphs (d), (i) introductory text and (i)(5), (k) introductory text, (k)(3), (6), (8) and (9), (m) introductory text and (m)(2)(iii);
- d. Removing and reserving paragraph (n); and
- e. Revising paragraphs (w) introductory text and (w)(2).

The revisions read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

(a) *General.* It is the policy of the United States to deny licenses and other approvals for exports, reexports, retransfers, and temporary imports of defense articles and defense services destined for, or originating in, certain countries. (For brokering activities, see § 129.7 of this subchapter, which imposes restrictions similar to those contained in this section.) No transfer of defense articles or defense services may be made pursuant to an exemption provided in this subchapter to or from any proscribed countries, areas, or persons as described in this section, except as follows:

(1) Transfers pursuant to § 123.17, § 125.4(b)(13), § 126.6, or § 126.18(e) of this subchapter;

* * * * *

(c) *Identification in this section.* * * *

* * * * *

(d) *Countries subject to certain prohibitions.* (1) For exports, reexports, retransfers, and temporary imports of defense articles and defense services, the following countries are subject to a policy of denial:

Table 1 to Paragraph (d)(1)

Country
Belarus
Burma
China
Cuba
Iran

North Korea
Syria
Venezuela

(2) For exports, reexports, retransfers, and temporary imports of defense articles and defense services, a policy of denial applies as specified in the associated paragraphs in the following table:

Table 2 to Paragraph (d)(2)

Country	Country specific paragraph location
Afghanistan	See also paragraph (g) of this section.
Central African Republic	See also paragraph (u) of this section.
Cyprus	See also paragraph (r) of this section.
Democratic Republic of the Congo	See also paragraph (i) of this section.
Eritrea	See also paragraph (h) of this section.
Haiti	See also paragraph (j) of this section.
Iraq	See also paragraph (f) of this section.
Lebanon	See also paragraph (t) of this section.
Libya	See also paragraph (k) of this section.
Nicaragua	See also paragraph (p) of this section.
Russia	See also paragraph (l) of this section.
Somalia	See also paragraph (m) of this section.
South Sudan	See also paragraph (w) of this section.
Sudan	See also paragraph (v) of this section.
Zimbabwe	See also paragraph (s) of this section.

* * * * *

(i) *Democratic Republic of the Congo*. It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for or originating in the Democratic Republic of the Congo, except that a license or other approval may be issued, on a case-by-case basis, for:

* * * * *

(5) Defense articles and defense services as approved by the committee of the United Nations Security Council concerned with the Democratic Republic of the Congo.

* * * * *

(k) *Libya*. It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for or originating in Libya, except that a license or other approval may be issued, on a case-by-case basis, for:

* * * * *

(3) The provision of defense services when intended solely for security or disarmament assistance to the Libyan government;

* * * * *

(6) Other sales or supply of defense articles or defense services, as approved in advance by the committee of the United Nations Security Council concerned with Libya;

* * * * *

(8) Defense services provided by the United States Government to Libyan security forces intended solely to promote the process of reunification of Libyan military and security institutions, as well as temporary exports of defense articles intended solely for use by the non-Libyan providers of those defense services for delivery of those defense services and their protective use, as notified in advance to the committee of the United Nations Security Council concerned with Libya; or

(9) Military aircraft or naval vessels temporarily exported by the United States Government into the territory of Libya solely to deliver items or facilitate activities otherwise exempted or not

covered by the United Nations arms embargo on Libya, including humanitarian assistance, as well as defense articles for defensive purposes that remain at all times aboard the vessel or aircraft while temporarily in Libya or on the person of any non-Libyan personnel temporarily disembarked from such vessel or aircraft.

* * * * *

(m) *Somalia*. It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for Somalia, except that a license or other approval may be issued, on a case-by-case basis, for:

* * * * *

(2) * * *

(iii) European Union training and support activities, Turkey, the United Kingdom, or the United States, or any other Member State forces with a status of forces agreement or a memorandum of understanding with the Government of the Federal Republic of Somalia, provided that they inform the committee of the United Nations Security Council concerned with Somalia, for information purposes only, about the existence of such agreements;

* * * * *

(w) *South Sudan*. It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for South Sudan, except that a license or other approval may be issued, on a case-by-case basis, for:

* * * * *

(2) Non-lethal defense articles intended solely for humanitarian or protective use, and related defense services as notified in advance to the committee of the United Nations Security Council concerned with South Sudan;

* * * * *

2. Amend § 126.5 by revising paragraphs (b) and (d) introductory text to read as follows:

§ 126.5 Canadian exemptions.

* * * * *

(b) *Permanent and temporary export of defense articles.* Except as provided in Supplement No. 1 to part 126 of this subchapter and for exports that transit third countries, Port Directors of U.S. Customs and Border Protection and postmasters shall permit, when for end-use in Canada by Canadian Federal or Provincial governmental authorities acting in an official capacity or by a Canadian-registered person, or for return to the United States, the permanent and temporary export to Canada without a license of unclassified defense articles and defense services identified on the U.S. Munitions List (22 CFR 121.1). The exceptions are subject to meeting the requirements of this subchapter, to include §§ 120.15(d) and 120.16, parts 122 and 123 (except insofar as exemption from licensing requirements is herein authorized) and § 126.1. For purposes of this section, “Canadian-registered person” is any Canadian national (including Canadian business entities organized under the laws of Canada), dual citizen of Canada and a third country other than a country listed in § 126.1, and permanent resident registered in Canada in accordance with the Canadian Defense Production Act, and such other Canadian Crown Corporations identified by the Department of State in a list of such persons publicly available through the Internet Web site of the Directorate of Defense Trade Controls and by other means.

* * * * *

(d) *Reexports/retransfer.* Reexport/retransfer in Canada to another end-user or end-use or from Canada to another destination, except the United States, must in all instances have the prior approval of the Directorate of Defense Trade Controls. Unless otherwise exempt in this subchapter, the original exporter is responsible, upon request from a Canadian-registered person, for obtaining or providing reexport/retransfer approval. In any instance when the U.S. exporter is no longer available to the Canadian end-user the request for reexport/retransfer may be made directly to the Directorate of Defense Trade Controls. All requests must include the information in § 123.9(c) of this subchapter, except that as provided in § 123.10 of this subchapter a Nontransfer and Use Certificate is not required. Reexport/retransfer approval is acquired by:

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Thomas G. DiNanno,
Under Secretary,
Arms Control and International Security,
Department of State.

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