

ALERT

Export Control Reform Update: Summary of Changes Made to U.S. Munitions List

Pursuant to President Obama's Export Control Reform (ECR) initiative that began in 2009, the U.S. Department of State has implemented revisions to several U.S. Munitions List (USML) categories.

Below we list each USML Category and the date of the most recent ECR revisions. For certain categories we think may be of interest to our clients, we provide a brief description of the changes. We note those cases where the revisions have not yet been finalized.

CATEGORY I: Firearms, Close Assault Weapons and Combat Shotguns

NO CHANGE. Current USML can be accessed [here](#).

CATEGORY II: Guns and Armament

NO CHANGE. Current USML can be accessed [here](#).

CATEGORY III: Ammunition/Ordnance

NO CHANGES. Current USML can be accessed [here](#).

CATEGORY IV: Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines

CHANGES IMPLEMENTED ON JULY 1, 2014. Current USML can be accessed [here](#).

Amended by final rule published in [79 Fed. Reg. 34 \(Jan. 2, 2014\)](#) and [79 Fed. Reg. 36393 \(June 27, 2014\)](#), which removed several items no longer warranting control as "defense articles."

Remaining Category IV list is a positive list that more specifically describe the articles subject to control. Changes include the following:

- Articles Removed: The rule removed the following items no longer warranting control as "defense articles." These items are now controlled under the Commerce Control List (CCL), and their new Export Control Classification Number (ECCN) is indicated.
 1. Smoke hand grenades and stun hand grenades (e.g. flashbangs) - ECCN 0A604.c.
 2. Demolition blocks and blasting caps - ECCN 0A604.a. (demolition blocks and detonators designed, modified or adapted therefor).
 3. Military explosive excavating devices - ECCN 0A604.b.
- Articles Still Controlled - Items still controlled under Category IV are positively listed (refer to USML Cat. IV for complete list of covered articles):

1. Rockets, space launch vehicles (SLV), missiles, bombs, torpedoes, depth charges, mines and grenades are positively listed in 12 paragraphs.
 2. Launchers for rockets, SLVs and missiles.
 3. Apparatus, devices, and materials for handling, control, activation, monitoring, detection, protection, discharge, or detonation of Cat. IV(a) & (b) articles.
 4. Ablative materials fabricated or semi-fabricated from advanced composites moved to Category XIII(d), effective January 6, 2014.
- Parts, Components, etc. - Paragraph (h), is a positive list of "systems, subsystems, parts, components, accessories, attachments, or associated equipment." See text of regulation for list, which includes many missile and rocket parts. Other components, accessories, and attachments not listed under Cat. IV are regulated as follows:
 1. ECCN 0A604.x covers parts, components, accessories, and attachments "specially designed" for items subject to control in 0A604 in paragraphs .a-c OR for articles controlled under USML Cat. IV and not specifically listed elsewhere in the USML.
 2. ECCN 9A604.e covers components specially designed for pressure gain combustion-based propulsion systems controlled under USML Cat. IV. 9A604.x covers parts, components, accessories and attachments that are specially designed for items subject to control in paragraphs .a-d OR for articles controlled under USML Cat. IV and not specified elsewhere on the USML.
 - Technical Data and Defense Services - covered under Cat. IV if directly related to articles listed in the category and also classified technical data directly related to items controlled in ECCNs 0A604, 0B604, 0D604, 9A604, 9B604, or 9D604 and defense services using the classified technical data. See also the rule published in [79 Fed. Reg. 27180 \(May 13, 2014\)](#) and effective November 10, 2014, which refers to specific items on the Commerce Control List and more specifically describes the defense services subject to control.
 1. ECCNs 0D604, 0E604, 9D604, 9E604 cover software and technology required for the development, production, operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 0A604 and 9A604.
 - A new paragraph (x) is added to Category IV requiring ITAR licensing for commodities, software, and technical data subject to Department of Commerce control, provided such items are to be used in or with defense articles controlled under Cat. IV and are described in purchase documentation submitted with the license application.

CATEGORY V: Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents

CHANGES IMPLEMENTED ON JULY 1, 2014. Current USML can be accessed [here](#).

Amended by final rule published in [79 Fed. Reg. 34 \(Jan. 2, 2014\)](#) and [79 Fed. Reg. 36393 \(June](#)

[27, 2014](#)). Changes include the following:

- Deletion of catch-all language and adding references to specific chemical compounds subject to control under this category. A number of materials no longer regulated under the catch-all language are moved to the Commerce Control List. The Commerce Department's final rule was published in [79 Fed. Reg. 264 \(Jan. 2, 2014\)](#).
- A new paragraph (x) is added to Category V, allowing ITAR licensing for commodities, software, and technical data subject to Commerce control, provided such items are used in or with defense articles controlled under Category V and are described in the purchase documentation submitted with the application.

CATEGORY VI: Surface Vessels of War and Special Naval Equipment

CHANGES IMPLEMENTED 1/6/2014. Current USML can be accessed [here](#).

CATEGORY VII: Ground Vehicles

CHANGES IMPLEMENTED 1/6/2014. Current USML can be accessed [here](#).

CATEGORY VIII: Aircraft and Related Articles

CHANGES IMPLEMENTED 10/15/2013. Current USML can be accessed [here](#).

CATEGORY IX: Military Training Equipment and Training

CHANGES IMPLEMENTED ON JULY 1, 2014. Current USML can be accessed [here](#).

Amended by final rule published in [79 Fed. Reg. 34 \(Jan. 2, 2014\)](#) and [79 Fed. Reg. 36393 \(June 27, 2014\)](#). Changes include the following:

- Category IX now only covers training equipment, as training on a defense article would be a defense service covered under the category in which the defense article is enumerated.
- A new paragraph (x) is added to Category IX to allow ITAR licensing for commodities, software, and technical data subject to Commerce control, provided those items are to be used in or with defense articles controlled under Cat. IX and are described in purchase documentation submitted with the license application.

CATEGORY X: Protective Personnel Equipment and Shelters

CHANGES IMPLEMENTED ON JULY 1, 2014. Current USML can be accessed [here](#).

Amended by final rule published in [79 Fed. Reg. 34 \(Jan. 2, 2014\)](#) and [79 Fed. Reg. 36393 \(June 27, 2014\)](#). Changes include the following:

- The title is changed to "Personal Protective Equipment" to remove the reference to shelters, as shelters are now subject to the CCL under ECCN 1A613.b.
- Type III body armor moved to CCL under ECCN 1A613.d, so now Category X covers body armor providing a protection level equal to or greater than NIJ Type IV.
- Paragraph (d), which controls parts, components, assemblies, accessories, attachments, and associated equipment, is revised to limit its scope to include only ceramic or composite body armor plates, laser protective lenses and other materials for the articles listed in paragraph (a)(7)

and classified hardware.

- The preamble to the rule states that Category X no longer controls generic, non-specific parts, components, accessories, and attachments, and that such parts are transferred to Department of Commerce control.
- A new paragraph (x) is added to allow ITAR licensing for commodities, software, and technical data subject to Commerce control, provided those items are to be used in or with defense articles controlled under Cat. X and are described in purchase documentation submitted with the license application.

CATEGORY XI: Military Electronics

Recently amended by final rule published in [79 Fed. Reg. 37536 \(July 1, 2014\)](#), which will take effect December 30, 2014. Current USML can be accessed [here](#).

CATEGORY XII: Fire Control, Range Finder, Optical and Guidance and Control Equipment

NO CHANGE YET. Current USML can be accessed [here](#).

CATEGORY XIII: Materials and Miscellaneous Articles

CHANGES IMPLEMENTED 1/6/2014. Current USML can be accessed [here](#).

CATEGORY XIV: Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment

NO CHANGE YET. Current USML can be accessed [here](#).

CATEGORY XV: Spacecraft Systems and Associated Equipment

Recently amended by an interim final rule published in [79 Fed. Reg. 27180 \(May 13, 2014\)](#) which will take effect November 10, 2014.

CATEGORY XVI: Nuclear Weapons, Design and Testing Related Items

CHANGES IMPLEMENTED ON JULY 1, 2014. Current USML can be accessed [here](#).

CATEGORY XVII: Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated

CHANGES IMPLEMENTED 10/15/2013. Current USML can be accessed [here](#).

CATEGORY XVIII: Directed Energy Weapons

NO CHANGE YET. Current USML can be accessed [here](#).

CATEGORY XIX: Gas Turbine Engines and Associated Equipment

CHANGES IMPLEMENTED 10/15/2013. Current USML can be accessed [here](#).

CATEGORY XX: Submersible Vessels and Related Articles

CHANGES IMPLEMENTED 1/6/2014. Current USML can be accessed [here](#).

CATEGORY XXI: Articles, Technical Data, and Defense Services Not Otherwise

Enumerated

CHANGES IMPLEMENTED 10/15/2013. Current USML can be accessed [here](#).

The above analysis is for informational purposes only and is not intended to be construed or used as legal advice. It does not anticipate all areas in which the proposed revisions could affect a business. Questions about this information can be directed to:

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