

Proposed Methodology for Part 120 Review/Rewrite

Objective: DTAG to propose a methodology to address terms and definitions within, and related to, the ITAR. Determining what terms need to be defined and/or revised in order to remove ambiguity and promote consistency with the ITAR while also ensuring the intent of the AECA is met.

Phase I – Assessment & Information Gathering

1. DTAG Definitions Working Group creates subcommittees
2. The DTAG subcommittees identify what terms need to be changed, identify the additional terms to be included in Part 120, as well as provide the details for the recommendations.
 - Review existing terms for consistency with the AECA
 - Focus on making the regulations less ambiguous and more useful for the exporters as well as the U.S. Government.
 - Review DDTC Guidance (website) and make sure that key requirements/terms are established in the official regulations
 - Canvas USG and industry (with the support of SIA) to determine what definitions are the most confusing.
 - Ensure terms elsewhere within the ITAR are addressed in Part 120 as well as consistent with those in Part 120.
 - Consider information from other resources such as SIA's handbook on Definitions, USG-issued provisos, charging letters/consent agreements, DOD Directives, etc. in effort to identify terms to be included in Part 120 and establishing definitions for terms in Part 120.

The lead of each subcommittee could be identified at the next DTAG Plenary in order to obtain input from the export community.

Phase II – Review Phase I

1. Consolidate/Discuss Proposed New and/or Improved Definitions
 - Prioritize terms to be addressed and assign subcommittees
 - Apply basic rules of Administrative Procedures Act when determining appropriate definitions.
 - Consult with DOD to ensure consistent understanding of the terms (so that provisos issued by DOD in licenses will contain consistent requirements)
 - Consult other Federal statutes and regulations for purposes of consistency check.
2. DTAG Working Group subcommittees provide recommended changes, for their assigned section, in order to organize Part 120 in a logical manner.
 - Develop approach for proposed changes
 - Possibly separate and order the purpose, policies, definition and other subsections of Part 120 (parallel to other ITAR sections).
 - Reference: The EAR was revamped over a decade ago to be more user-friendly. It might be worthwhile researching the expertise and experience gained through that effort, which resulted in clearer, shorter, logical (from a transaction standpoint), and overall more understandable export regulations.

All proposed definitions will be reviewed by the entire working group prior to submission to the DTAG Chair and Co-Chair.