

**SUBPART 225.79—EXPORT CONTROL**

*(Added May 22, 2012)*

**225.7900 Scope of subpart.**

This subpart implements the requirements of the Security Cooperation Act of 2010 (Pub. L. 111-266) and the Defense Trade Cooperation Treaty with the United Kingdom (the Treaty) regarding export control. See [PGI 225.7902](#) for additional information.

**225.7901 Reserved.**

**225.7902 Defense Trade Cooperation Treaty with the United Kingdom.**

This section implements the Treaty and the Implementing Arrangement for DoD solicitations and contracts that authorize prospective contractors and contractors to use the Treaty to respond to DoD solicitations and in the performance of DoD contracts.

**225.7902-1 Definitions.**

"Approved community," "defense articles," "export," "Implementing Arrangement," "qualifying defense articles," "transfer," "Treaty," and "U.S. DoD Treaty-eligible requirements" are defined in contract clause DFARS [252.225-7047](#), Exports by Approved Community Members in Performance of the Contract.

**225.7902-2 Purpose.**

The Treaty permits the export of certain U.S. defense articles, technical data, and defense services, without U.S. export licenses or other written authorization under the International Traffic in Arms Regulation (ITAR) into and within the Approved Community, as long as the exports are in support of purposes specified in the Treaty. The Approved Community consists of U.S. entities that are registered with the Department of State and are eligible exporters, the U.S. Government, and certain governmental and commercial facilities in the United Kingdom that are approved and listed by the U.S. Government. See [PGI 225.7902-2](#) for additional information.

**225.7902-3 Policy.**

DoD will facilitate maximum use of the Treaty by prospective contractors responding to DoD solicitations and by contractors eligible to export qualifying defense articles under DoD contracts in accordance with 22 CFR 126.17(g).

**225.7902-4 Procedures.**

(a) For all solicitations and contracts eligible for Treaty coverage (see [PGI 225.7902-4\(1\)](#)), the program manager shall identify in writing and submit to the contracting officer prior to issuance of a solicitation and prior to award of a contract—

(1) The qualifying Treaty Scope paragraph (Article 3(1)(a), 3(1)(b), or 3(1)(d)); and

(2) The qualifying defense article(s) using the categories described in 22 CFR 126.17(g).

(b) If applicable, the program manager shall also identify in writing and submit to the contracting officer any specific Part C, Treaty-exempted technology list items, terms and conditions for applicable contract line item numbers (See [PGI 225.7902-4\(2\)](#)).

**225.7902-5 Solicitation provision and contract clause.**

(a) Use the provision at [252.225-7046](#), Exports by Approved Community Members in Response to the Solicitation, in solicitations containing the clause at [252.225-7047](#).

(b)(1) Use the clause at [252.225-7047](#), Exports by Approved Community Members in Performance of the Contract, in solicitations and contracts when—

(i) Export-controlled items are expected to be involved in the performance of the contract and the clause at [252.204-7008](#) is used; and

(ii) At least one contract line item is intended to satisfy a U.S. DoD Treaty-eligible requirement.

(2) The contracting officer shall complete paragraph (b) of the clause using information the program manager provided as required by [225.7902-4\(a\)](#).