

Periodic Review of the USML

State and Defense will set up a schedule for reviewing portions of the United States Munitions List (USML) on an annual basis with a view towards refining USML categories to ensure that coverage is appropriate. The criteria for inclusion/addition/exclusion would be whether the continued control of items not found on the multilateral lists contributes to the foreign policy and national security interests of the United States.

- The USML has 21 categories, two of which are "reserved" (XVIII and XIX) and one of which (XXI) is a catch-all (i.e., any item not specifically enumerated but which has substantial military applicability and which has been specifically designed or modified for military purposes).
- The remaining 18 categories could be divided into four reasonably coherent groups of four or five, with each group scheduled for review once over a four-year period, after which the cycle would start again.

The annual reviews would be conducted in the following manner:

- DOD would look at the ITAR categories due for review in that year and present recommendations to State on any revisions it believes are necessary due to the attenuation of national security concerns.
- State would then promptly consider DOD's recommendations and determine whether there are foreign policy reasons that justify the continued control of the items (e.g., human rights, regional stability, risks of diversion, or international obligations -- such as those associated with firearms).
- In the case of disagreement, State and DOD would consult, but it is the Secretary of State who has the legal responsibility (delegated from the President) to oversee the USML.
- If State and DOD agree on the removal of an item from the USML, we would need to seek approval (pursuant to existing delegations of authority) from the Under Secretary for Arms Control and International Security and then notify Congress in accordance with S. 38(f) thirty days prior to amending the USML through promulgation of an ITAR amendment.

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- The defense industry would participate through DTAG and the Federal Register rule-making process. Commerce would be involved in the event certain items are recommended by DOD (and approved by State) for removal from the USML on the express condition that they be controlled on the CCL to certain destinations or for certain end-users.