



U.S. Munitions List (USML)

Aircraft Survivability Rule - August 2026

This rule will revise the International Traffic in Arms Regulations (ITAR) regarding civil aircraft that have been modified to incorporate certain aircraft survivability equipment (ASE). ASE helps protect aircraft from guided weapons, such as man-portable air defense systems (MANPADS.) This rule is intended to facilitate the operation and maintenance of such aircraft while protecting the underlying ASE technology. The rule requests comments by September 27, 2026 and will take effect October 12, 2026.

Key Regulatory Changes

- Revises the U.S. Munitions List (USML) to exclude certain civil aircraft that have been modified to incorporate directed infrared countermeasures (DIRCM) and infrared or ultraviolet missile warning systems necessary for the operation of DIRCM
- Revises the ITAR to exclude certain temporary imports and reexports of ASE from ITAR requirements, while incorporated into such aircraft, provided specific conditions are met

Intent of the Changes

- **Maintain appropriate controls:** While providing regulatory relief for aircraft maintenance, repairs, and operation, the rule retains ITAR protections for ASE and all directly related technical data and defense services, as these continue to provide a critical military or intelligence advantage.
- **Support civilian use:** The rule recognizes the need for civil aircraft with ASE to protect dignitaries, humanitarian personnel, and other passengers. It will allow certain civil aircraft incorporating ASE to be flown internationally without triggering ITAR reexport requirements, and in and out of the United States without triggering temporary import requirements.
- **Improve U.S. competitiveness:** The rule will reduce competitive disadvantages faced by U.S. companies due to ITAR licensing requirements for maintenance services unrelated to ASE and restrictions on their customers' operation of U.S. aircraft with ASE installed.
- **Reduce regulations and improve safety:** The rule will ensure international partners and U.S. persons can use ITAR-controlled ASE to protect dignitaries and other passengers, particularly when traveling to countries identified in ITAR § 126.1.

Customer Support

The Help Desk and Response Team provide extensive support to customers with technical and regulatory process inquiries, enabling industry to meet the national security mission throughout the compliance process. Contact the DDTTC Response Team via phone at (202) 663-1282 or email ddtccustomerservice@state.gov.



Political-Military Affairs
U.S. DEPARTMENT of STATE

Search RIN 1400-AG35 at www.federalregister.gov for more information.



U.S. Munitions List (USML)

Aircraft Survivability Rule – August 2026

Key Safeguards

- **Initial export still requires authorization:** The initial export of ASE from the United States will still require an ITAR authorization, even when incorporated into an aircraft.
- **Change in end-use or end-user will still require authorization:** Retransfers of ASE remain subject to the ITAR, and the ASE cannot be transferred to another foreign person. The rule will allow movement of certain ASE while incorporated into a survivability-enhanced aircraft, but it does not authorize changes in the previously authorized end user or end use.
- **Technical data and defense services remain controlled:** All technical data and defense services directly related to the ASE remain subject to ITAR.
- **Removed ASE requires authorization:** If ASE subject to the ITAR is removed from the aircraft, the ASE will continue to require an ITAR authorization for any transfer.
- **ASE must be secured:** Use of the new provisions requires anti-tamper protection of the ASE to deter, delay, and detect access to, or exploitation of, critical system components and software.

Practical Effects for Aircraft Operators

Currently, a civil U.S. aircraft with ASE requires an ITAR authorization whenever it crosses an international border, because the aircraft is described in USML Category VIII(a)(8) and the ASE is a defense article subject to § 120.11(c). Subject to certain limitations, the rule will eliminate ITAR restrictions for the following transfers of such aircraft:

- **Temporary imports:** Aircraft meeting the conditions in the rule can enter the United States temporarily without an ITAR license.
- **Reexports:** End-users can fly between foreign countries without repeated ITAR authorizations for the ASE.

Additionally, while ASE-specific maintenance will remain a defense service, routine maintenance on an aircraft removed from the USML under this rule will no longer be subject to ITAR requirements. This change will facilitate timely and efficient maintenance of those aircraft by U.S. persons, including aircraft manufacturers.

Relevant Dates

Public comments due: September 27, 2026

Effective date of rule: October 12, 2026



Political-Military Affairs
U.S. DEPARTMENT of STATE

Search RIN 1400-AG17 at www.federalregister.gov for more information.