

U.S./Australia Defense Trade Cooperation Treaty  
Article 3(2):  
List of Defense Articles Exempted from Treaty Coverage

A. The following U.S.-origin Defense Articles are exempted from the scope of the Treaty, regardless of which USML Category may apply:
1. Defense Articles, regardless of classification, (including those modified or improved), when used for marketing purposes that have not previously been licensed for export by the U.S. Department of State, Directorate of Defense Trade Controls.
2. Defense Articles specific to the existence of or method of compliance with anti-tamper measures made at US Government direction.
3. All classified US-origin Defense Articles not being released pursuant to a US Department of Defense written request, directive or contract that provides for the export of the Defense Article.
B. The following specific U.S.-origin Defense Articles are exempted from coverage under the Treaty:
1. Defense Articles listed in the Missile Technology Control Regime (MTCR) Annex, the Chemical Weapons Convention (CWC) Annex on Chemicals, the Convention on Biological and Toxin Weapons, and the Australia Group (AG) Common Control Lists (CCL).
2. Defense Articles specific to reduced observables, or counter low observables in any part of the spectrum, including radio frequency (RF), infrared (IR), Electro-Optical, visual, ultraviolet (UV), acoustic, and magnetic as defined in the attached Definitions.
3. Defense Articles specific to sensor fusion beyond that required for display or identification correlation as defined in the attached Definitions.
4. Defense Articles specific to naval technology and systems in the following areas: <ul style="list-style-type: none"> <li>i.) Naval nuclear propulsion information as defined in the attached definitions.</li> <li>ii.) Acoustic spectrum control and awareness as defined in the attached definitions.</li> <li>iii.) Submersible vessels, oceanographic and associated equipment designed or modified for military purposes as defined in the attached definitions</li> <li>iv.) Submarine Combat Control systems</li> <li>v.) Torpedoes</li> </ul>
5. Defense Articles specific to gas turbine engine hot section components and digital engine controls as defined in the attached Definitions.
6. Defense Articles specific to countermeasures and counter-countermeasures, including electronic or optical (including IR) as illustrated in the attached Definitions.
7. Defense Articles specific to USML Category XI (b) (e.g., communications security (COMSEC) and TEMPEST), as well as their related Defense Articles in USML Category XI (c) and (d).
8. Defense Articles specific to USML Category XIII (b) (military information security assurance systems), as well as the tooling and equipment specifically designed or modified for production of such articles in USML Category XIII (k) and technical data and defense services in USML Category XIII (l) related to the articles in USML Category XIII (b) and (k).
9. Defense Articles specific to satellites, satellite payloads and their specifically designed or modified components as described in USML Category XV (a), (b), (e) and (f).
10. Defense Articles specific to GPS/PPS security modules.

11. Defense Articles specific to USML Category XV (d) radiation-hardened microcircuits and technology.
12. USML Category XVI Defense Articles specific to design and testing of nuclear weapons.
13. Defense Articles specific to USML Category XVIII Directed energy weapons.
14. Defense Articles specific to the automatic target acquisition or recognition and cueing of multiple autonomous unmanned systems.
15. Defense Articles specific to Man Portable Air Defense Systems (MANPADS).
[[16. Defense Articles not controlled by the Australian Munitions List (Australian ML) or the Australian Dual Use List that the US controls under the USML as defined in the attached Definitions.]] NOTE: This item may be deleted if the GOA can show that it is able to control the items covered by this section under Australian law. See attached "Definitions."
C. Exports of the following Defense Articles are not eligible for use of the Treaty unless such export is pursuant to a written solicitation or contract issued or awarded by the Department of Defense pursuant to Article 3(1)(a), Article 3(1)(b), or Article 3(1)(d) of the Treaty and is consistent with Part A and Part B of this exemption list:
1. Defense Articles specific to developmental systems that have not obtained written Milestone B approval from the Department of Defense milestone approval authority.
2. Technical data or defense services for night vision equipment described in USML Category XII (c) beyond basic operations, maintenance and training data.
3. Manufacturing know-how, as defined in 22 C.F.R 125.4(c)(6) specific to the Defense Articles controlled in USML sub-paragraphs II(d), III(d)(1), III(d)(2), IV(a), IV(b), IV(d), IV(g), VIII(a), VIII(b), VIII(e), X(a)(1), X(a)(2), XI(a)(3), XI(a)(4), XII(d) or XX(a) and their specially designed components.
4. Software source code specific to Defense Articles controlled in USML sub-paragraphs II(c), II(d), II(i), III(d)(1), III(d)(2), IV(a), IV(b), IV(c), IV(g), VI(a), VI(c), VIII(a), VIII(e), IX(a), IX(b), XI(a), XII(a), XII(b), XII(c), XII(d), XIII(a), XVI(c) or XX(a) beyond that source code required for basic operation, maintenance and training for the programs, systems, and/or subsystems.