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Policy

U.S. Initiatives for Demining and Landmine Control	4
Beyond the Export Moratorium	
Upgrading Soviet Systems: the "MiG Policy" Question	5
State Department to Consider American Participation in Indian MiG Upgrades	
Firearms Exports	6
U.S., Other Governments Cooperate to Combat Diversions	

Operations

DTC's Customer Service Plan	7
Commitment to Our Customers	
Blue Lantern on Guard	9
A Primer on State's Program of End-Use and End-User Checks	
Indications of Suspicious Transactions	11
A Checklist for Exporters	
Access Denied	12
A Guide to Proscribed and Restricted Export Destinations	
Redefining "U.S. Person"	13
Regulatory Revision Clarifies Licensing Eligibility	
Firearms Exports: Enhanced Procedures	14
Regulatory Changes on Import Certification and Assault Weapons	
Licensing Cyberspace, Part II	15
New Procedures for Encryption Exports	
Agreement Notes, Part I: Using the Hardware Exemption	19
A New Alternative to Licenses for Agreement-Related Hardware	
ITAR Exemption Crib Sheet	20
Fine Print in the International Traffic in Arms Regulations	

Departments

Country Policy Briefs	21
Personnel Updates	23
Defense Trade Advisory Group Developments	24
Commodity Jurisdiction Determinations	26
Systems Update	28
Licensing Officer Assignments	30
Feedback, ELLIE, and Training Forms	33

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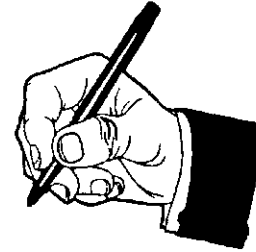
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Editor's Note



This issue of *Defense Trade News and Export Policy Bulletin* focuses on compliance issues, including industry's role in assuring that defense trade is conducted in accordance with the law and in furtherance of U.S. foreign policy and national security.

Feedback from the first issues of the revamped *Defense Trade News and Export Policy Bulletin* suggests that a substantial majority of readers welcome our increased emphasis on policy material, although there are a few demurrals. Comments run the gamut from "This bulletin is one of the most informative, well-written government publications I read; it does a good job of updating exporters on current U.S. policy" to "Please maintain the high standards of this publication and do not pollute it with political comments." We plan to continue to publish both policy background articles and detailed operational material. Your feedback does matter to us, so let us hear from you. ♦

DTC Registrants — New Address? New Boss? Let Us Know

Of course, all subscribers need to notify us of a change of address to continue to receive the magazine. But for those recipients of *Defense Trade News* registered with the Department of State as manufacturers or exporters, there is another important reason to keep in touch — registrants are **required by law** to notify State's Office of Defense Trade Controls of any change of address or change in the name of the registrant entered in Block 14 of Registration Form DSP-9. For details, consult ITAR §122.4 or contact the Registration Staff at (703) 875-5663.

POLICY

U.S. Initiatives for Demining and Landmine Control

Beyond the Export Moratorium

This item is reprinted from the U.S. Department of State Dispatch.

Anti-personnel landmines are the weapon of choice for many government and insurgent groups. They are cheap, easy to manufacture and use, difficult to detect, and expensive and dangerous to remove. Usually, landmines are not removed after armed conflict ends. They are left for populations and, more recently, peacekeepers to deal with.

While the U.S. military employs landmines responsibly and in accordance with international law, others often use them in unconventional and indiscriminate ways against civilian populations to generate fear, inhibit refugee repatriation, disrupt economic reconstruction, and generally create chaos in fragile governments.

Addressing the horrible toll in innocent civilian casualties caused by the irresponsible and indiscriminate use of anti-personnel landmines is a high priority of the Administration. Given the immediacy and the complexity of the problem, the U.S. has developed a comprehensive, four-track strategy.

Demining Initiatives. The U.S. currently assists demining programs in Cambodia, Afghanistan, Nicaragua, and Mozambique. These follow five steps: landmine assessment, training in mine awareness, education and training in mine clearance, transition of responsibility for the program to the host government or other designated entity (e.g., an international organization or a private non-governmental organization), and follow-on assistance.

Using this general plan, the Administration is initiating this year support of demining efforts in Eritrea, Ethiopia, Honduras, and Costa Rica. There are significant landmine problems in Angola, Somalia, Rwanda, and Liberia as well, but unrest in those countries has prevented the implementation of U.S. assistance.

By the end of 1994, the U.S. aims to have programs in at least nine countries where landmines are a serious problem. The Administration hopes to expand the program to other countries; it has requested additional funding for FY 1995, particularly for research and development of technologies to assist affected nations to detect and clear landmines.

Efforts To Strengthen the Convention on Conventional Weapons (particularly Protocol II which governs the use of landmines). The convention has been transmitted to the Senate for advice and consent to ratification. The U.S. is pressing for substantial improvements to the landmine protocol, such as making it applicable to internal conflicts, requiring all mines to have a substantial metallic content, requiring certain mines to be self-deactivating, and establishing verification procedures.

Moratoria on Landmine Transfers. In October 1992, the U.S. adopted a unilateral export moratorium on antipersonnel landmines. This moratorium was extended in 1993 for three years. In 1993, the UN General Assembly unanimously adopted a U.S. resolution calling for moratoria on exports of landmines that pose a grave risk to civilians. The U.S. is strongly urging key countries to adhere to moratoria. To date, eight other countries formally have declared moratoria of their own; several have export controls in place.

Establishment of a More Permanent International Control Mechanism. The export moratoria are only temporary measures. The U.S. is engaged in a fast-track policy review to develop a proposal for a more permanent multilateral anti-personnel landmine control regime. It is taking a rigorous, systematic look at a broad range of options. The Administration is dedicated to

building the international consensus necessary to bring about an effective control regime in the shortest possible time.

For further information see *Hidden Killers: The Global Problem With Uncleared Landmines*, U.S. Department of State, July 1993, available from the Bureau of Political-Military Affairs at (202) 647-6968. ♦

Antipersonnel Landmine Facts

- There are more than 85 million uncleared landmines in 62 countries around the world. More than 65 million mines were laid in the last 15 years.
- Landmines cause more than 150 deaths or injuries worldwide each week. Most of these are innocent civilian casualties.
- The United Nations estimates that there are 9-10 million landmines in Afghanistan, 9 million in Angola, 4-7 million in Cambodia, 5-10 million in Iraq, 5-7 million in Kuwait, and 2-4 million in the former Yugoslavia.
- It costs between \$150 and \$1,000 to remove one landmine.
- The U.S. allocated more than \$9 million to demining projects in FY 1993; more than \$12 million will be spent in FY 1994.
- There are more than 30,000 amputees in Cambodia and more than 20,000 in Angola, according to International Committee of the Red Cross (ICRC) estimates. Most are victims of mines.
- In 1991, the ICRC made almost 8000 artificial limbs and 11,000 orthopedic appliances for mine victims in 14 countries.

Upgrading Soviet Systems: the "MiG Policy" Question

State Department to Consider American Participation in Indian MiG Upgrades

Towards Case-by-Case Review: India

Recently, the State Department instituted a policy of considering, on a case-by-case basis, U.S. firms' applications for licences to participate in the Indian Government's program to upgrade its MiG-21 aircraft.

Applications will be subject to rigorous inter-agency review to ensure approval is consistent

with U.S. foreign policy, national security, technological security, and arms control and regional security interests. Moreover, licenses will be considered only for exports of articles or services in support of upgrades determined to have *defensive applications only*.

No decision has been made to apply this policy to upgrades in countries other than India, or to systems other than the MiG-21. ♦

Firearms Exports

U.S., Other Governments Cooperate to Combat Diversions

A Growing Trade in Firearms

Over the past year, State's Office of Defense Trade Controls (DTC) has experienced an increase in the number of applications for the export of firearms and ammunition. Other firearms-exporting nations report the same trend. A further increase is expected with the removal of certain countries (e.g., South Africa and former East Bloc nations) from the International Traffic in Arms Regulations (ITAR) list of prohibited destinations.

The State Department has a responsibility to authorize exports of lethal equipment only to valid end-users, and must confirm that the export is not going to the international arms market or to end-users whose activities conflict with U.S. foreign policy or national security goals and world peace.

A factor complicating the regulation of the global firearms trade is that, unlike most items controlled under the U.S. Munitions List and comparable international control lists, firearms are frequently licensed for commercial resale. Thus actual end-users are not always identified.

Inter-Governmental Cooperation

An international consensus is emerging on the need for closer government-to-government cooperation to combat abuses in the global firearms trade. Many governments are increasingly concerned over the quantity of arms entering their countries, with the possibility of diversion to terrorists, narco-traffickers, and other criminals. The United States recently joined other governments in convening, in Bogota, Colombia, a conference on the control of arms and explosives, to explore means of combatting this problem.

The U.S. and other nations are studying several cooperative initiatives, including adoption of a standardized international import certificate for firearms, firearms components, and ammunition; development of a computerized system to track movements of firearms between countries; and imposition of limitations on large-scale international firearms transfers.

Some governments have requested that the United States demand more extensive supporting documentation for firearms export license applications — in particular, import authorization documents. Almost all countries require government authorization of firearms imports. Some governments issue import permits specifying the type, quantity, or value of firearms being imported. Others issue open import permits for an unspecified quantity of firearms and ammunition, valid for a specific time period.

Tighter U.S. Controls

In furtherance of U.S. foreign policy and national security goals, including support for international efforts to combat arms diversions, the State Department has tightened requirements on import documentation for firearms license applications (see page 14 for details). ♦

OPERATIONS

DTC's Customer Service Plan

Commitment to Our Customers

In accordance with the Administration's National Performance Review, all Federal agencies that provide significant services directly to the public are required to publish a customer service plan. The plan below explains DTC's mission, services DTC provides, and DTC's commitment to quality. As a part of our continuing effort to provide quality service, DTC will periodically survey the community it serves.

Our Mission

The Office of Defense Trade Controls, in accordance with Sections 38-40 of the Arms Export Control Act (AECA or 22 U.S.C. 2778) and the International Traffic in Arms Regulations (ITAR), controls the permanent and temporary export and temporary import of defense articles and defense services by taking final action on license applications and other requests for approval for defense trade exports and retransfers, and handling matters related to defense trade compliance, enforcement and reporting.

Service to Customers

In order to promote world peace, further U.S. foreign policy and national security interests, and facilitate legitimate export of commodities and services covered by the U.S. Munitions List and to facilitate the best customer service possible DTC is committed to:

- Providing timely, professional, knowledgeable, and courteous service to customers seeking guidance on registration, making applications for a defense export license or other approvals, requesting the status of specific licensing cases, or seeking guidance regarding compliance with export law and regulations.
- Taking initial action on all license applications (approve, disapprove, return without action, or coordinate with other offices) within 10 working days of receipt.
- Informing each registered individual and company with timely information on the status of their license application. For persons who do not have electronic access to the DTC (system) timely telephone responses are provided. Telephone inquiries are responded to by a responsible officer within 24 hours of receipt.
- Providing timely and authoritative guidance to the U.S. defense industry regarding export policies, procedures, and practices, based on interpretation of the International Traffic in Arms Regulations (ITAR), the Arms Export Control Act (AECA) and other pertinent laws, national interests, and multinational agreements or arrangements. This includes the presentation of and participation in organized seminars, in-house training, and other public outreach efforts, such as the *Defense Trade News*.
- Enhancing automated data processing to facilitate the electronic handling of requests for licenses and other approvals and to increase responsiveness to U.S. government requests for assistance.
- Ensuring proper compliance with U.S. regulations, effective investigative and prosecutorial enforcement actions, as well as administrative procedural follow-up against violators of the AECA and the ITAR.
- Surveying customer satisfaction periodically to solicit suggestions for improving DTC services.

Commitment to Quality

The Office of Defense Trade Controls recognizes its responsibility to the American public and other governmental offices to provide the finest service possible at all times. As part of DTC's quest for improvement, the office uses an analytical approach, with statistical methods and other problemsolving tools, to accomplish its licensing and compliance missions. ♦

Blue Lantern on Guard

A Primer on State's Program of End-Use and End-User Checks

The Office of Defense Trade Controls (DTC) is the Department of State unit charged with the administration and implementation of Section 38 of the Arms Export Control Act (AECA) and the International Traffic in Arms Regulations (ITAR). Violations of these laws and regulations are prejudicial to the national security, foreign policy, and commercial interests of the United States. As recent history makes clear, illicit trade in defense technology, goods, and services can pose a major threat to the U.S. and friendly foreign countries.

As one means of regulating U. S. commercial defense exports, and encouraging compliance with the AECA and ITAR, DTC sometimes initiates pre- and post-licensing end-use checks, asking U.S. diplomatic posts to verify the bona fides of export transactions conducted under the State Department's licensing control. Since 1991, this program has been known as "Blue Lantern."

Global Reach

"Blue Lantern" is a global program, with no company, recipient country, or commodity category singled out for review. End-use checks have been conducted for a number of years, with several hundred now being conducted annually. Furthermore, DTC is constantly seeking ways to perform such checks in as timely and thorough a manner as possible.

Designated personnel at U.S. diplomatic and consular posts are tasked to make end-use inquiries on behalf of the U.S. government. They usually work directly with the host

government. Where possible and consistent with guidelines established by the host government, these U.S. officials also contact foreign private individuals and entities directly.

Critical Criteria

DTC uses a number of criteria to identify licenses warranting an end-use or end-user check, and to determine whether a pre or post-licensing check is required. Some of these criteria cannot be addressed here, but appended to this article is a list of factors that might cause DTC to initiate an end-use check. While DTC's enforcement functions are performed by its Compliance Division (comprised of State and U.S. Customs personnel), "Blue Lantern" checks can be requested by either Compliance Specialists or Licensing Division officers.

Although such verifications take time, the program is essential to safeguarding U.S. foreign policy and national security interests. It is DTC's policy not to notify companies whose applications are selected for end-use verification.

Checks Before and After Export

A *pre-licensing* end-use check is an effort to determine the reliability of an overseas party or person as a suitable recipient of U.S. defense articles and services. The pre-license check also ensures that the overseas party listed on the license application has in fact ordered the commodity or service in question, that the proposed disposition of the commodity or service is consistent with that indicated on the license application, and that the ultimate consignee understands its responsibilities under the law in receiving U.S. defense exports.

A *post-licensing* verification is an effort to confirm that the commodity or service exported from the U.S. was, in fact, received by the ultimate consignee named on the export license, and that the goods or services are being used in accordance with the terms and provisions of that specific license.

Varying Scope

Depending upon the nature of the given export problem, the scope of an inquiry might range from simple oral or written contact seeking to verify the bona fides of a proposed transaction to physical inspection of the exported item. The applicant for a license or other State Department written approval of a proposed transaction is responsible for the accuracy and completeness of all information appearing on the application and in its supporting documentation. Applicants must ascertain and then identify the specific end-use and end-user on applications submitted to DTC.

Solid Results

End-use checks are a key component of the State Department's effort to prevent illegal defense exports and technology transfers. The "Blue Lantern" program has been highly successful in this regard. It has uncovered flagrant violations of the AECA and the ITAR and prevented others before they could occur. Some cases have resulted in denial, suspension, or revocation of export licenses, and in the prosecution of individuals for violations of the AECA and the ITAR.

"Blue Lantern" has been lauded by other governments and by U.S. firms. Most participants in the defense export process are fully committed to the resolution of problems and doubts regarding the end use of defense articles, technical data, or defense services.

Warning Signs for Exporters

To aid applicants and exporters in performing this duty, DTC has developed standards to use when analyzing a proposed export transaction in order to identify a possibly high-risk export. If a proposed transaction appears risky, the applicant should be especially cautious and exert every effort to verify the information presented regarding end-user and end-use.

The appended list of "warning flags" of suspicious transactions (an update of a similar list printed in past issues of this bulletin) is provided as a means of furthering public awareness. We recommend that firms use it as an aid in their own efforts to combat the illegal export of U.S. defense goods and technology.

If your firm encounters any of these indications or any other suspicious circumstances, please contact the Compliance Division of the Office of Defense Trade Controls or the Special Agent in Charge at your local U.S. Customs District Office. ♦

Indications of Suspicious Transactions

A Checklist for Exporters

Customer Flags

Customer or purchasing agent is reluctant to provide foreign end-use or foreign end-user information.

Customer is willing to pay cash for a large value order or item.

Little or no customer business background is available.

Customer appears to lack familiarity with the commodity's performance and design characteristics or uses.

Customer or purchasing agent refuses installation or service contracts that are normally accepted in similar transactions.

End-User Flags

Requested equipment does not match the known requirements or inventory of foreign end-user.

Requests for spare parts exceed projected needs or are for systems not in the foreign end-user's inventory.

End-use involves private use of significant amounts or types of military hardware.

Performance/design requirements are incompatible with the foreign end-user's resources or environment, or with the foreign consignee's line of business.

Stated end-use is incompatible with the customary or known applications for the equipment being purchased.

Stated end-use is incompatible with the foreign consignee's line of business.

Stated end-use is incompatible with the technical capability of the foreign end-user or consignee.

Foreign intermediate consignee's location or business is incompatible with purported foreign end-user's nature of business or location.

Information on foreign intermediate consignee or foreign end-user is suspicious or inadequate.

Parties respond evasively to questions regarding any of the above, as well as to whether equipment is for domestic use, export, or re-export.

Shipment Flags

The proposed export involves a private intermediary, particularly in sales involving major weapon systems.

Freight forwarders are designated as foreign consignees or end-users.

Transaction involves vague delivery dates or delivery locations inconsistent with the type of commodity or established practices.

Transaction involves suspiciously roundabout shipping routes.

Packaging or packing requirements are inconsistent with shipping mode or destination.

Post office box addresses are used for foreign consignee, intermediate consignee, or foreign end-user. ♦

Access Denied

A Guide to Proscribed and Restricted Export Destinations

As of June 26, 1994, exports of U.S. Munitions List items to the following countries were subject to other than ordinary U.S. export policy interests or concerns (often involving proscriptions or restrictions). For details, consult the Federal Register notice cited.

Armenia

59 Federal Register 15624, April 4, 1994.

Angola

59 Federal Register 15624, April 4, 1994.

Azerbaijan

59 Federal Register 15624, April 4, 1994.

Burma

58 Federal Register 33293, June 16, 1993.

59 Federal Register 15624, April 4, 1994.

Belarus

59 Federal Register 15624, April 4, 1994.

China

54 Federal Register 24539, June 7, 1989.

59 Federal Register 15624, April 4, 1994.

Cuba

59 Federal Register 15624, April 4, 1994.

Cyprus

57 Federal Register 60265, December 18, 1992.

Georgia

59 Federal Register 15624, April 4, 1994.

Guatemala

58 Federal Register 38597, July 19, 1993.

Haiti

56 Federal Register 50968, October 9, 1991.

59 Federal Register 15624, April 4, 1994.

Iran

49 Federal Register 2836, January 23, 1984.

59 Federal Register 15624, April 4, 1994.

Iraq

55 Federal Register 31808, August 3, 1990.

55 Federal Register 37793, September 13, 1990.

59 Federal Register 15624, April 4, 1994.

Kazakhstan

59 Federal Register 15624, April 4, 1994.

Korea, Democratic People's Republic of ["North Korea"]

59 Federal Register 15624, April 4, 1994.

Kyrgyzstan

59 Federal Register 15624, April 4, 1994.

Liberia

57 Federal Register 60265, December 18, 1992.

59 Federal Register 15624, April 4, 1994.

Libya

59 Federal Register 15624, April 4, 1994.

Moldova

59 Federal Register 15624, April 4, 1994.

Mongolia

59 Federal Register 15624, April 4, 1994.

Nigeria

58 Federal Register 40845, July 30, 1993.

Peru

59 Federal Register 32481, June 23, 1994.

Rwanda

59 Federal Register 28583, June 2, 1994.

Russia

58 Federal Register 39280, July 22, 1993.

Somalia

57 Federal Register 59851, December 16, 1992.

59 Federal Register 15624, April 4, 1994.

South Africa

58 Federal Register 39280, July 22, 1993.

59 Federal Register 31667, June 20, 1994.

Sudan

57 *Federal Register* 49741, November 3, 1992.
58 *Federal Register* 52523, October 8, 1993.
59 *Federal Register* 15624, April 4, 1994.

Syria

59 *Federal Register* 15624, April 4, 1994.

Tajikistan

59 *Federal Register* 15624, April 4, 1994.

Turkmenistan

59 *Federal Register* 15624, April 4, 1994.

Ukraine

59 *Federal Register* 15624, April 4, 1994.

Uzbekistan

58 *Federal Register* 39280, July 22, 1993.

Vietnam

59 *Federal Register* 15624, April 4, 1994.

Yemen

57 *Federal Register* 59852, December 16, 1992.

Former Yugoslavia

56 *Federal Register* 33322, July 19, 1991.
59 *Federal Register* 15624, April 4, 1994.

Zaire

58 *Federal Register* 26024, April 29, 1993.
59 *Federal Register* 15624, April 4, 1994.

For more information on export restrictions to these countries, contact the Office of Export Control Policy. ♦

Redefining "U.S. Person"

Regulatory Revision Clarifies Licensing Eligibility

On May 18, 1994, the definition of "U.S. Person" in the International Traffic in Arms Regulations (ITAR) was broadened to include all Lawful Permanent Residents of the U.S.

Fine Print

The July 22, 1993 ITAR revision aligned the ITAR definition of "U.S. Person" with the Immigration and Naturalization Act (INA) definition of "Protected Individual." The INA definition excluded 2 categories of Lawful Permanent Resident previously regarded as U.S. Persons under the ITAR — aliens who had failed to apply for naturalization when eligible, and aliens who had applied but had not been naturalized within 2 years of eligibility. Thus the July 22, 1993 ITAR revision considered Lawful Permanent Residents in those two categories "Foreign

Persons." One effect was that companies were required to obtain export licenses or approvals to transfer technical data or defense services to such employees.

The May 18, 1994 ITAR revision broadened the definition of U.S. Person to include Lawful Permanent Residents [as defined by 8 U.S.C. 1101(a)(20)] and "Protected Individuals." The latter includes U.S. citizens and nationals, and aliens lawfully admitted as *temporary residents* [INA section 1160(a), 1161(a), or 1255a(a)(1)], as *refugees* [INA section 1157], or as *asylees* [INA section 1158].

Bottom Line

Effective May 18, 1994, companies do not need licenses or approvals to transfer data or services to Lawful Permanent Resident employees. ♦

Firearms Exports: Enhanced Procedures

Regulatory Changes on Import Certification and Assault Weapons

In line with the Administration's decision to tighten controls on firearms exports (see page 6), the Office of Defense Trade Controls has implemented the following requirements. These requirements apply to applications for DSP-5 (permanent export) licenses and for distribution agreements for the export of firearms and ammunition.

Documentary Requirements

- A copy of a firm purchase order from the foreign end user specifying quantity, dollar value, and end use of the article must accompany each application. U.S. company invoices/pro forma are not acceptable, and English translations must be provided for foreign-language documents.
- A DSP-83 Nontransfer and Use Certificate must accompany any application for fifty or more handguns and/or rifles, or 100,000 or more rounds of ammunition. The DSP-83 must bear original signatures of all foreign parties identified on the DSP-5 and the U.S. applicant.
- Import authorization, comprised of an import permit issued by the foreign government authorizing the import of specified items, must accompany each application. An import authorization document normally contains an official signature, the government seal and the validity period for the transaction. This is not to be confused with a business license issued by the foreign government to firearms dealers or with an authorization to own or carry a firearm.

Restricted Weapons

- The export of assault weapons (as defined in recent legislation) that are prohibited firearms under U.S. law, will be denied for export to commercial end-users. Assault weapons, combat shotguns and silencers/sound suppressors will only be considered for a foreign governmental entity or the national police. Documentation to support such export must include a purchase order, an original signed DSP-83 and an import permit specifying the caliber of firearm and signed by an authorized government official.
- Applications for firearms of .50 caliber, or other firearms qualifying as sniper rifles, will only be considered if they are accompanied by a purchase order, an original signed DSP-83 and an import permit specifying the caliber of firearm and signed by an authorized government official. These firearms may be considered for sale to individual purchasers subject to the above documentary requirements as well as an end-use check.

For more details, contact the Licensing Division of the Office of Defense Trade Controls. ♦

Licensing Cyberspace, Part II

New Procedures for Encryption Exports

*The April issue of **Defense Trade News and Export Policy Bulletin** outlined the new Administration policy on the liberalization of encryption exports. Herewith, is information on the regulatory changes effected to implement the new policies.*

In April 1993, the President ordered a review of U.S. policy regarding the domestic use and export controls of encryption technology. That review concluded that vital U.S. interests — national security, economic, and law enforcement — compel the maintenance of appropriate control of encryption. It also concluded that there are measures which can be taken to reform existing export controls to ensure that controls are not unduly burdensome to U.S. exporters.

On February 4, 1994, the Department of State announced reforms to the export control procedures applicable to products incorporating encryption technology.

Direct Distribution...

Previously, almost every encryption product required an individual export license; the only exception was for exports covered by a foreign distribution arrangement. A new revision to the International Traffic in Arms Regulations (ITAR) provides a licensing procedure permitting direct overseas distribution by U.S. manufacturers without going through foreign distributors.

Under this new arrangement (detailed in a new ITAR section, §124.15), U.S. manufacturers may ship encryption products covered by U.S. Munitions List Category XIII(b)(1) from the U.S. directly to customers in approved countries, without obtaining individual licenses for each end-user. Manufacturers will retain the option of exporting to foreign distributors under distribution agreements.

The new procedure is similar to existing distribution agreement procedures. An exporter must submit for approval by the Office of Defense Trade Controls a proposed arrangement which provides information on specific items to be shipped, countries of destination, and proposed end-users and end-uses. Upon approval of the arrangement, the exporter will be permitted to ship the specified products directly to end-users in the approved countries under a single license.

Defense Trade News On-Line

If you have a PC and a modem, you can have 24-hour electronic access to U.S. Government publications via the Federal Bulletin Board. Download ***Defense Trade News*** before your hardcopy reaches you. Keep abreast of U.S. foreign policy with the Department of State ***Dispatch***. Track modifications to the International Traffic in Arms Regulations with the ***Federal Register***.

To access the Bulletin Board, dial up (202) 512-1387 via an 8-bit/no parity/1-bit stop modem, at 300 to 9600 baud. For more information, call (202) 512-1526.

Part 123 — Licenses for the Export of Defense Articles

1. The authority citation for 22 CFR Part 123 continues to read as follows:

Authority: Secs. 2 and 38, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778); E.O. 11958, 42 FR 4311, 3 CFR 1977 Comp. 79; 22 U.S.C. 2658.

2. Section 123.16(b)(1) is revised to read as follows:

(1) District Directors of Customs shall permit the export without a license of defense hardware being exported in furtherance of a manufacturing license agreement, technical assistance agreement, distribution agreement or an arrangement for distribution of items identified in Category XIII(b)(I), approved in accordance with Part 124, provided that:

(i) The defense hardware to be exported support the activity and must be identified by item, quantity and value in the agreement or arrangement; and

(ii) Any provisos or limitations placed on the authorized agreement or arrangement are adhered to; and

(iii) The exporter certifies on the Shipper's Export Declaration that the export is exempt from the licensing requirements of this subchapter. This is done by writing "22 CFR §123.16(b)(1) and the agreement or arrangement (*identify/state number*) applicable;" and

(iv) The total value of all shipments does not exceed the value authorized in the agreement or arrangement.

(v) In the case of a distribution agreement, export must be made directly to the approved foreign distributor.

PART 124 - Agreements, Offshore Procurement, and other Defense Services

3. The authority citation for 22 CFR Part 124 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); E.O. 11958, 42 FR 4311, 3 CFR 1977 Comp. p. 79; 22 U.S.C. 2658.

4. Section 124.15 is added to read as follows:

Section 124.15 Arrangements for U.S. Encryption [Category XIII(b)(I)] Distribution by Manufacturers

(a) Arrangements for the export of unclassified defense articles identified in Category XIII(b)(I) must be approved by the Office of Defense Trade Controls before they enter into force. Such arrangements will be limited to unclassified defense articles identified in Category XIII(b)(I) and must contain conditions for special distribution, end-use and reporting. Licenses for export pursuant to such arrangements must be obtained prior to export of the defense article unless an exemption under §123.16(b)(1) of this subchapter is applicable.

(b) Required Information. Proposed arrangements shall be submitted to the Office of Defense Trade Controls for review and approval. The following information must be included in all such arrangement proposals:

(1) A description of the U.S. Munitions List articles involved. This shall include when applicable the Federal Stock Number, name-plate data, and any control numbers under which the articles were developed or procured by the U.S. Government;

(2) A detailed statement of the terms and conditions under which the articles will be exported and distributed;

(3) The duration of the proposed arrangement; and

(4) Specific identification of the country or countries that comprise the distribution territory. A Nontransfer and Use Certificate (DSP-83) will be required, in accordance with §123.10.

(c) Required Statements. The following statements must be included in all arrangements:

(1) "This arrangement shall not enter into force, and shall not be amended or extended, without the prior written approval of the Department of State of the U.S. Government."

(2) "This arrangement is subject to all United States laws and regulations relating to exports and to all administrative acts of the U.S. Government pursuant to such laws and regulations."

(3) "The arrangement shall not affect the performance of any obligations created by prior contracts or subcontracts which the applicant may have individually or collectively with the U.S. Government."

(4) "No liability will be incurred by or attributed to the U.S. Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the U.S. Government's approval of this arrangement."

(5) "No export, sale, transfer, or other disposition of the U.S. Munitions List articles covered by this arrangement is authorized to any country outside the distribution territory without the prior written approval of the Office of Defense Trade Controls of the U.S. Department of State."

(6) "The applicant agrees that a semi-annual report of sales or other transfers pursuant to this arrangement of the licensed articles, by quantity, type, U.S. dollar value, and purchaser or recipient shall be provided by (*applicant*) to the Department of State." Such reports may cover calendar or fiscal years. Reporting shall continue until such

time as all articles authorized under the arrangement or a permanent unclassified license (DSP-5) authorized in support of the arrangement have been reported. Reports shall be deemed proprietary information by the Department of State and will not be disclosed to unauthorized persons. (See Section 126.10(b) of this subchapter).

(7) The applicant agrees to notify (*identify foreign end user*) of any end use or retransfer restrictions and (*identify foreign end user*) agrees to incorporate the following statement as an integral provision of a contract, invoice or other appropriate document when the articles covered by this arrangement are sold or otherwise transferred:

"These commodities are authorized for export by the U.S. Government only to (*identify country of ultimate destination*). They may not be resold, diverted, transferred, transshipped, or otherwise disposed of in any other country, either in their original form or after being incorporated through an intermediate process into other end-items, without the prior written approval of the U.S. Department of State."

(8) "All provisions in this arrangement which refer to the United States Government and the Department of State will remain binding on the applicant after the termination of the arrangement."

(d) The license will be valid for four years and quantities and values should reflect those for this time period. No application will be accepted for any export for which Congressional notification is required.

The application shall be filled out in accordance with the instructions; however, in this instance, foreign end-user, foreign consignee, and foreign intermediate consignees need not be identified. In each block state: "The foreign person in this block will be reported in accordance with §124.15 of the ITAR." The provisions of §126.13(b) with regards to foreign consignee and foreign intermediate consignee need not be complied with at the time the DSP-5 is transmitted but will be reported semi-annually.

(e) Transmittal Letter. Requests for approval of the arrangement must be made by letter. The original letter and seven copies of the proposed arrangement shall be submitted to the Office of Defense Trade Controls. The letter shall contain the following:

(1) A statement giving the applicant's Defense Trade Controls registration number.

(2) A statement identifying the country or countries to comprise the distribution territory.

(3) A statement identifying the defense articles to be distributed under the arrangement.

(4) A statement identifying any U.S. Government contract under which the equipment may have been generated, improved, developed or supplied to the U.S. Government, and whether the equipment was derived from any bid or other proposal to the U.S. Government.

(5) A statement that no classified defense articles or classified technical data are involved.

(6) A statement identifying any patent application which discloses any of the subject matter of the equipment or related technical data covered by an invention secrecy order issued by the U.S. Patent and Trademark Office.

(7) A statement that the applicant will not permit any exports to take place until the arrangement and the export license have been approved by the Department of State.

Questions, comments, and suggestions on these new procedures should be directed to the Licensing Division of the Office of Defense Trade Controls. ♦

Agreement Notes, Part I: Using the Hardware Exemption

A New Alternative to Licenses for Agreement-Related Hardware

The July 22, 1993 revision of the International Traffic in Arms Regulations (ITAR) created a new exemption [22 CFR § 123.16(b)(1)] which permits U.S. firms to ship hardware against a Manufacturing License, Technical Assistance, or Distribution Agreement without obtaining a separate license. For companies which wish to use the exemption, there are a few points to keep in mind.

Detailed Information

First, the information to be incorporated into an Agreement is the same as that required for a DSP-5 license application — e.g., item nomenclature, commodity, cost, quantity, freight forwarders.

The level of detail is also the same; reference to “detailed parts” or “finished parts” is insufficient. End items must be specified by name, national stock number (if applicable), value and quantity — unless they are truly minor, such as nuts and bolts. Likewise, the certification required by 22 CFR § 126.13 must detail any freight forwarders.

Coherent Format

Second, the information must be incorporated into a single section of, or referenced addendum to, the Agreement. The information on the shipment(s) should be provided on consecutive pages; scattering the information throughout the Agreement will not do, and will only slow processing.

Consistency

Third, the information on shipments must not differ from that detailed in the Agreement. Quantities, part numbers, value, and other changes must be provided in amendments to the Agreement before the exemption can be used.

It is important to note that once a company has begun shipments using the exemption, all subsequent shipments in support of the Agreement must use the exemption and not separate licenses.

No Commerce-Controlled Material

Finally, the items applicants can export using this exemption are only those defense articles on the U.S. Munitions List. Commerce-controlled items cannot be included in shipments made under an Agreement.

Don't Get Discouraged

The purpose of this article is not to discourage use of the hardware exemption. The exemption is ideally suited for shipments of tools to start-up an operation under a Manufacturing Agreement, provide a defense article for testing, and other such one-time activities. In those cases, the information required is readily obtainable and the shipments occur almost immediately upon approval of an Agreement.

In the case of a multi-year Agreement, however, it will be difficult to anticipate the level of detail required to take advantage of the exemption. Changes to accommodate unanticipated shipments will require submission of amendments, which may be more time-consuming than using separate licenses from the onset. This is especially true for companies using the ELLIE system to submit license applications electronically.

Let DTC Help

In-depth procedures for the use of the exemption are being developed. In the interim, **applicants should consult the Agreements Officers in the Licensing Division of the Office of Defense Trade Controls before submitting applications using the hardware exemption.** ♦

ITAR Exemption Crib Sheet

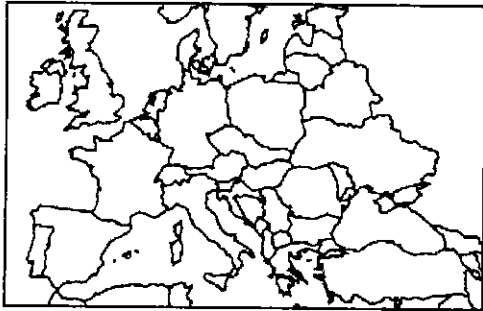
A Guide to the Fine Print in the International Traffic in Arms Regulations

Herewith, an index of exemptions to the standard licensing procedures in the International Traffic in Arms Regulations. Exemptions in italics were introduced or modified in the ITAR revision of July, 1993.

These exemptions do not apply to destinations proscribed under §126.1 of the ITAR, exports for which Congressional notification is required, and Missile Technology Control Regime articles. These exemptions may not be used by persons who are generally ineligible as described in §120.1(c) of the ITAR.

Country-Related	ITAR Part
Shipments between U.S. possessions	123.12
Domestic air shipments via foreign countries	123.13
<i>Canada (126.5)</i>	123.16(b)(8)
<i>U.S. subsidiaries abroad</i>	123.16(b)(9)
Canadian/Mexican border	123.19
<i>Canadian exemptions</i>	126.5
Hardware	ITAR Part
<i>Temporary imports</i>	123.4
<i>Re-exports/retransfers</i>	123.9
<i>Movements of vessels or aircraft outside U.S.</i>	123.11
<i>Defense articles in support of Agreements</i>	123.16(b)(1)
<i>Components & parts valued under \$500</i>	123.16(b)(2)
<i>Packing cases</i>	123.16(b)(3)
<i>Models & mockups</i>	123.16(b)(4)
<i>Temporary exports to public trade shows</i>	123.16(b)(5)
<i>Firearms & ammunition for personal use (123.17)</i>	123.16(b)(6)
<i>Firearms for personal use of U.S. Forces (123.18)</i>	123.16(b)(7)
Technical Data	ITAR Part
<i>Basic operation & maintenance training</i>	124.3
Technical data, including classified data	125.4(b)(1)
Technical data for approved MLA/TAA	125.4(b)(2)
Contracts between exporter and U.S.G. agencies	125.4(b)(3)
Copies previously authorized to same recipient	125.4(b)(4)
<i>Basic operations, maintenance & training information</i>	125.4(b)(5)
<i>Firearms & ammo not in excess of caliber .50</i>	125.4(b)(6)
Original source of import	125.4(b)(7)
Unclassified technical data directly related to previously-authorized classified tech data	125.4(b)(8)
<i>Personal use of U.S. person employed abroad</i>	125.4(b)(9)
<i>U.S. institutions of higher learning</i>	125.4(b)(10)
<i>Pursuant to arrangements with DoD, DOE, or NASA</i>	125.4(b)(11)
Exempt under §126	125.4(b)(12)
* <i>Approved for public release</i>	125.4(b)(13)
Other	ITAR Part
Training & military service	124.2
Plant visits	125.5
Shipments by or for U.S. Government agencies	126.4
Foreign-owned military aircraft & naval vessels	126.6
Foreign Military Sales (FMS) Program	126.6

DEPARTMENTS



Country Policy Briefs

Peru

Effective June 8, 1994, it is the policy of the U.S. Government to deny all requests for licenses and other approvals to export or otherwise transfer lethal items to Peru. Other defense articles and services for Peru will be reviewed on a case-by-case basis [Vol. 59, *Federal Register*, page 32481 (June 23, 1994)].

Rwanda

On May 26, 1994, the President prohibited the sale or supply to Rwanda from the territory of the United States by any person, or by any U.S. person in any foreign country or other location, or using any U.S.-supplied vessel or aircraft, of arms and related material of all types. This includes weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts regardless of origin.

This prohibition does not apply to activities related to the United Nations Assistance Mission for Rwanda or the United Nations Observer Mission Uganda-Rwanda [Vol. 59, *Federal Register*, page 28583 (June 2, 1994)].

South Africa

Effective June 8, 1994, it is the policy of the U.S. Government to review, on a case-by-case basis, all requests for licenses and approvals authorizing the export or other transfer to South Africa of items on the U.S. Munitions List. This includes manufacturing licenses, technical assistance agreements, technical data, and commercial military exports.

This policy implements United Nations Security Council Resolution 919, which terminated the mandatory U.N. Security Council arms embargo on South Africa imposed in 1977. The termination of the embargo followed the first all-race multiparty election and the establishment of a democratic South African government [Vol. 59, *Federal Register*, page 31667 (June 20, 1994)].

Munitions Exports Involving Armaments Corporation of South Africa, Ltd. (ARMSCOR) and Related Entities and Individuals

Effective June 8, 1994, it is the policy of the Department of State to deny all export license applications and other requests for approval involving, directly or indirectly: the Armaments Corporation of South Africa, Ltd. (a.k.a. ARMSCOR), an agency of the South African Government; the Denel Group (Pty.) Ltd. (a.k.a. Denel), a wholly-owned company of the South African Government; Kentron (Pty.) Ltd. (Kentron); Fuchs Electronics (Pty.) Ltd. (Fuchs); William Randy Metelerkamp; Vern Davis; Brian Scott (a.k.a. "Graham Craighness"); Bert Quinn; Johan Lombard; Jaco Budricks; Gerrit Pretorius (a.k.a. "Bull"); and any divisions, subsidiaries, associated companies, affiliated persons, or successor entities [Vol. 59, *Federal Register*, page 33811 (June 30, 1994)].

This action also precludes the use in connection with such entities of any exemptions from license or other approval included in the International Traffic in Arms Regulations (ITAR).

On October 31, 1991, a federal grand jury in the Eastern District of Pennsylvania returned an indictment charging the above cited persons, except Denel, with conspiracy to violate and with violation of the Arms Export Control Act (AECA). The Department of State therefore has reasonable cause to believe that during the period 1978 through 1989, ARMSCOR and the other cited entities engaged in an ongoing conspiracy to export, and did export, defense articles and defense services to the Republic of South Africa and to Iraq without the requisite Department of State licenses or approvals.

From 1978 through 1989, what is now Denel was an integral part of ARMSCOR. Denel reportedly came into being in 1992, in the separation and restructuring of ARMSCOR.

Denel is a wholly owned company of the South African Government, operating as a commercial organization. Inasmuch as it is a successor to ARMSCOR, Denel is also liable for AECA- and ITAR-related violations.

Exceptions may be made to this policy on a case-by-case basis. However, exceptions would be granted only after a full review of all circumstances, with particular attention to the following factors: whether an exception is warranted by overriding foreign policy or national security interests; whether an exception would further law enforcement concerns; and whether other compelling circumstances exist which are consistent with the foreign policy or national security interests of the United States, and which do not conflict with law enforcement concerns.

For further information, contact the Compliance Division of the Office of Defense Trade Controls. ♦

Subsidiaries — Don't Forget Your Parents

Subsidiaries sometimes submit applications to the Office of Defense Trade Controls (DTC) using a parent company's registration code but not the parent company's name. This delays processing while DTC verifies the subsidiary's status. To avoid this problem, subsidiaries should identify the parent company in the **Applicant** box of applications, e.g.:

ABC Company
A Subsidiary of XYZ, Inc.
1234 Elm Street
Anytown, CA 99999



Personnel Updates

In Memoriam

Clyde Bryant (1926-1994)

Clyde G. Bryant Jr., chief of the Compliance and Enforcement Branch of the Office of Defense Trade Controls, died June 10 after a heart attack. Survivors include his wife Elizabeth, three children, and a grandchild.

A native of Birmingham, Alabama and a graduate of Birmingham-Southern College, Mr. Bryant began his State Department career in 1958 as an economist in the Bureau of Administration. In 1967 he transferred to State's Office of Munitions Control, the forerunner of the Office of Defense Trade Controls. Mr. Bryant earned a reputation in law enforcement, legal, and government circles for extraordinary legal expertise and tenacity in the pursuit of wrongdoers. Administration, Congressional, diplomatic, and corporate leaders have praised his lifetime contribution to U.S. national security. To honor his memory, the Bureau of Political-Military Affairs has created an annual award, the Clyde G. Bryant Jr. Award, for excellence and achievement demonstrated in the performance by an employee in the Office of Defense Trade Controls.

Those who worked with Clyde Bryant know that his professionalism, devotion to duty and country, and concern for the rights of the accused were manifestations of a warm and compassionate spirit. He will be sorely missed by family, friends, colleagues, and country.

In

Karen Hopkinson has been detailed to the Office of Defense Trade Controls as the first National Security Agency representative for encryption technology issues. She has worked at NSA since 1982, in the areas of encryption, data security, and technology transfer.

Major John M. Lucas, US Army, reported to DTC July 29. MAJ Lucas recently served as Material Officer 191st Ord Bn in Miesau, Germany. He currently serves as a Defense Trade Analyst.

Out

Foreign Service Officer **Philip S. Kosnett** completed a one-year tour as Special Assistant to the Director of the Office of Defense Trade Controls and Executive Editor of **Defense Trade News and Export Policy Bulletin**. He has assumed new duties in the Office of the Secretary of State.

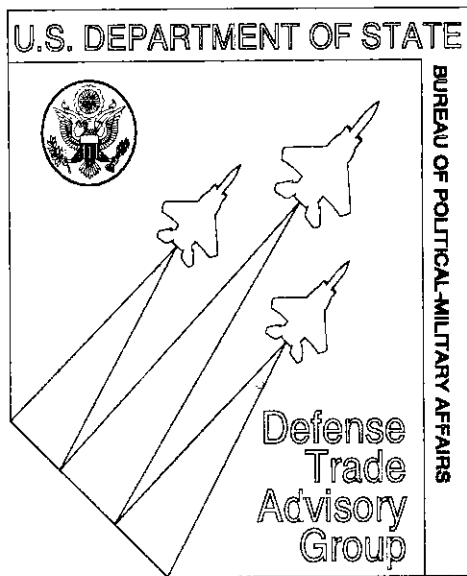
Compliance Officer **Robert Huffman** departed DTC for law school at the University of Virginia.

Navy LCDR **Paul James** completed a two-year exchange tour as an agreements officer in DTC and was reassigned as Executive Officer of the destroyer USS Cushing, based at Pearl Harbor.

USAF Major **Gary Oncale** completed a two-year exchange tour at DTC, where he ran the Commodity Jurisdiction program. He will retire from the Air Force in August.

DTC Has Not Moved...

...but it does have a new address. Due to security upgrades at the State Department Annex housing the Office of Defense Trade Controls, the public access and courier delivery address has changed from 1701 N. Fort Myer Drive to **1700 Lynn Street**. The mailing address is unchanged. See the inside rear cover of this issue for a list of addresses and phone/fax numbers.



DTAG Developments

The Defense Trade Advisory Group was established in 1992 to advise the Bureau of Political-Military Affairs on the support and regulation of defense trade. Members for the 1994-96 term:

Policy Working Group

Chairman — **William Schneider, Jr.**
International Planning Services

Vice-Chair — **Ramona Hazera**
Northrop -Grumman

Burton P.C. Bacheller
McDonnell-Douglas Corporation

Samuel Baker
American Defense Preparedness Association

Dr. James Blackwell
Science Applications International

Edward C. Bursk, Jr.
Raytheon Overseas Limited

Tyrus Cobb
Business Executives for National Security, Inc.

Vincent DeCain
The NOMOS Corporation

Jacob Goodwin
Bulova Technologies, Inc.

Ruth L. Greenstein
Institute for Defense Analyses

Joel L. Johnson
Aerospace Industries Association

Norman Jorstad
Institute for Defense Analyses

Dr. Robert Martin
Motorola Military & Aerospace Electronics

Boyd J. McKelvain
General Electric Company

Michael M. McMillan
E-Systems

Jack N. Merritt (Gen., USA, Retired)
Association of the U.S. Army

Willard H. Mitchell
Teledyne Industries International

James R. Nelson
Martin Marietta Corporation

Dr. Janne E. Nolan
The Brookings Institution

Edward O'Connor
GMA, Inc.

Alan Platt
Gibson, Dunn, and Crutcher

Bob Ramsey
Lockheed Corporation

Henry Sechler
General Dynamics Corporation

Ronald M. Singer
GE Aircraft Engines

Dr. Willis D. Smith
The Boeing Company

Anna A. Stout
American League for Exports and Security
Assistance, Inc.

Maxwell R. Thurman (Gen., USA, Retired)
Association of the U.S. Army

Donald A. Weadon, Jr.
Dickstein, Shapiro, and Morin

Richard F. Sandifer, Jr.
Ingalls Shipbuilding

Kevin Shannon
Electronic Industries Association

Stephen D. Story
Federal Express Technical Working Group

Regulatory Working Group

Chairman — **Jerome E. Eiler**
Northrop - Grumman

Giovanna M. Cinelli
Gardner, Carton & Douglas

Richard Colton
Science Applications International

Debi Davis
Martin Marietta Corporation

Patrick J. Donovan
Honeywell, Inc.

Richard C. Gogolkiewicz
General Dynamics Corporation

Robert Lee
Varian Associates, Inc.

Judith Morehouse
The Boeing Company

Joyce E. Poetzl
McDonnell Douglas

Stuart M. Quigg
Q International

Victoria E. Ralston
Lockheed Corporation

George V. Rao
Allied Signal Aerospace Company

Thomas W. Reed
Rockwell International Corporation

Technical Working Group

Chairman — **David M. (Mike) Richey**
Litton Industries

Philip C. Gast
Burdeshaw Associates, Limited

Harry Halamandaris
Teledyne Industries, Inc.

John J. Kopecky
Pratt & Whitney

James Matchett
GE Aircraft Engines

Douglas E. McCormac
TRW Components International Inc.

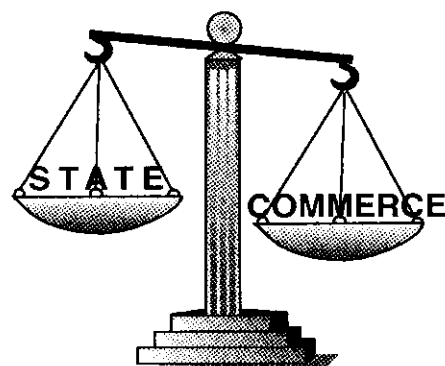
Robert E. Oliver
Delco Electronics

Dr. J.H. Yang
Westinghouse Electric Corporation

The next DTAG plenary meeting is scheduled for Thursday, October 6, 1994. Consult the June 30, 1994 Federal Register notice for more details.

DTAG-related questions can be directed to Linda Lum of the DTAG Secretariat at (202) 647-4231. ♦

Commodity Jurisdiction Determinations



The following chart lists selected recent Commodity Jurisdiction (CJ) determinations. We have described the commodities in general terms to ensure confidentiality of proprietary information.

Determinations apply only to the specific commodities

reviewed. If you believe one of your firm's products is similar to one listed here as having been placed on the Commerce Department's Commerce Control List (CCL) and wish to have the product reviewed, please submit a CJ request letter following the guidelines set forth in ITAR §120.4. Refer to *Defense Trade News* articles "Guidelines for Preparing CJ Requests" and "CJs for Mass Market Software" (Vol. 3, No. 4, Oct 1992) and "Class and Multiple CJ Requests" (Vol. 3, No. 1, Jan 1992), or call (703) 875-5655 for guidance. ♦

COMMODITY	RULING	COMMODITY	RULING
Ablative Materials Specifically Designed for Military Applications	USML IV(f)	Diesel Engine Specifically Designed or Modified for Military Use	USML
Air Ionization Monitor System	CCL 3A96G	Not Specifically Designed or Modified for Military Use	CCL **
Altimeter, Digital Pressure	CCL **	Digital Mixer Core Product	CCL 4A03A
Amplifier	CCL 3A96G	Digital Wireless Key System	CCL 5A1 IA
Antenna, Portable and Mount	CCL 3A96G	Distribution System, Secure Cable	CCL **
Automatic Teller Machine	CCL 5A1 IA	Dual Visor Kit	CCL **
Brake, Disk	CCL **	Encoder, Bit and Computer using DES algorithm	USML XIII(b)(l)
Buffer, Advanced Octal	CCL 3A96G	Engine, Turbofan	CCL **
Case Analysis Management System Specifically Designed for Military Applications	USML XXI	Filter Specifically Designed for Military Applications	USML XI(d)
Chip Detector, Pulsed Electric	CCL **	Global Trainer	CCL **
Circuit Integrated, Communication	CCL 3A96G	Grenade Launcher	USML IV(c)
Integrated, Performs Data Confidentiality Functions	USML XIII(b)(l)	Helicopter, Military	USML VIII(a)
Communications Access System	CCL 5A02A	Helmet, Flyer's	USML X(a)
Computer, Notebook, with DES Coprocesor	USML XIII(b)(1)	Visor Cover Assembly, Leather	CCL **
Conductive Footware Tester	CCL 3A96G	Image Intensifier	USML XII(c)
Cryptographic Source Code for Data Encryption	USML XIII(b)(l)	Infrared Focal Plane Array Detector	USML XII(c)
Customer Service Center	CCL 5A1 IA	Intensifier, Second Generation Specifically Designed for Military Applications	USML XII(c)
Data Encryption Device	USML XIII(b)(l)	Key Loading Module	USML XIII(b)(5)
Decoder Stereo-Audio, Video-Stereo, Video Only, or with Tilt Corrector	CCL **	Key Transport Units	USML XIII(b)(5)
		Landing System, Mobile Microwave Specifically Designed for Military Applications	USML XI(a)(3)(vi)

COMMODITY	RULING	COMMODITY	RULING
Laser Training Device Designed and Developed for Military Weapons Training	USML IX(a)	Remote Multiplexer / Demultiplexer	CCL **
Machine Gun	USML I(a)	Rifle	USML I(a)
Magnetic Controls, Contactors, and Relays	CCL **	Rubidium, Atomic Frequency Standard	CCL 3A93F
Marketing Literature, Surveillance System, Basic	CCL **	Security Module	CCL 5A 11 A
		Security Module Providing Data Encryption	USML XII(b)(l)
Metering System, Electronic, Electrical Utility	CCL **	Seismic Intrusion Detection System, Wireless	USML XI(a)
Mobile Data Networking System with Encryption Capability	USML XIII(b)(l)	Shotgun, 12 Gauge	USML I(a)
Modem	CCL 5A96G	Signal Conditioner / Data Collection System	CCL **
Monitor, Overtemperature	CCL **	Software Products, Server	CCL SD13A
Monitoring System	CCL **	Software, Communications	CCL **
Monitoring System, Oil Debris	CCL **	Software, Encryption	CCL 4D96G
Navigation System, Aircraft Not Modified to Use a GPS Receiver	CCL **	Software, Employing DES for Data Encryption	USML XII(b)(l)
Modified to Use a GPS Receiver	USML XV(b)	Software, Image Processing and Satellite Imaging	CCL **
Overspeed Trip Device	CCL **	Software, with Encryption	CCL SD13A
PocketScope, Night Vision	USML XII(c)	Starters, AC and DC	CCL **
Potassium Titanyl Phosphate Crystals Not Specifically Designed for Military Use	CCL 6A96G	Static Control Systems Analyzer	CCL 3A96G
Specifically Designed for Military Use	USML XIII(f)	Static Dissipative Table and Floor Mats	CCL OA96G
Power Module	CCL **	Steady State DC Neutralizer	CCL 3A96G
Processor, Single-Module	USML XI(d)	Switch, General Purpose	CCL 3A96G
Publication, Regarding Telecommunications Infrastructure	CCL OA981	Tape Deck, Ruggedized	CCL **
Quad 2-Input Gate	CCL 3A96G	Technical Data Related to the Design, Manufacture, Manufacturing Process, Production, Development, Overhaul, and Repair of Engine Hot Section Components	USML VIII(j)
Radio Frequency Amplifier	USML XI(d)	Terminal Docking Units Non-TEMPEST	CCL **
Radio Shock Mount	CCL 5A96G	TEMPEST	USML XI(b)
Reusable Heel Grounder	CCL OA96G	Wheel, Landing Gear	CCL **
Receiver, GPS	CCL **	Wrist Strap Assemblies	CCL OA96G
		Wrist Strap Workstation Monitor	CCL 3A96G



Systems Update

Log Onto ROBB — State's Bulletin Board for Exporters

The Remote On-line Bulletin Board, ROBB, is available to all companies registered with the Office of Defense Trade Controls (DTC) as arms manufacturers or exporters. Via ROBB, registrants can receive details on the status of open cases and cases issued within the past month. ROBB is also used to disseminate breaking policy news, such as modifications to the list of proscribed destinations.

ROBB is accessible 22 hours daily, every day. It is down from 7 to 9 a.m., when its database is updated. DTC imposes no user fee for ROBB or any other system.

To access ROBB, you must have an IBM-compatible PC, a 2400 BPS Hayes-compatible asynchronous modem, and the PC communications software **VsCom**. VsCom can be purchased from M/H Group, 300 West Adams Street, Chicago, IL 60606 [tel (312) 443-1222, fax (312) 443-1377]. Its "Part Number" is VSTI.

To sign up, contact DTC's Computer Support Staff by fax [(703) 875-5663] or mail, providing your company name, DTC registration number, a point of contact and phone number. DTC will issue a ROBB user ID number and password.

Questions on Office of Defense Trade Controls systems can be addressed to the Computer Support Staff at (703) 875-6650.

A User's Guide to ROBB

The following screen-by-screen description details ROBB's functions. Each screen is identified in the upper-left corner and functional guidance is provided at the bottom.

Some of the functional guidance is unique to a specific screen, but the following commands apply to all screens: function key "F10" permits you to "escape" (return to the previous screen and ultimately log-off); "F5" lets you scroll down to the next screen; "F4" scrolls back. Use the "Tab" key to move the cursor and hit "Enter" (or "Return" on some keyboards) to carry out commands.

Screen 1 — Welcome to ROBB

Upon connecting and entering the correct log-on ID and password, you are invited to press "F1" to view licenses.

Screen 2 — List of Licenses

Screen 2 shows your company's open cases and all cases closed within the past month. Columns 2, 8, and 9 provide case numbers, the initials of the licensing officers handling each case, and each case's status. Columns 1 and 3-7 provide information submitted on the original license application.

Column 1 displays the license type: 05 for DSP-5, 61 for DSP-61, 73 for DSP-73, 85 for DSP-85, AG for Agreement, GC for General Correspondence (advisory opinions), and CJ for Commodity Jurisdiction. Column 2 provides the license numbers DTC has assigned to the applications. Column 3 notes the type of registration: "M" for manufacturer or exporter, "F" for foreign embassy, and "G" for U.S. Government.

The last four digits of your firm's DTC registration code appear in column 4. Column 5 gives the date the license application was prepared. The application value appears in column 6. Column 7 lists the

country of ultimate destination (using two-letter country codes referenced in ITAR Appendix C).

Column 8 shows the initials of the licensing officer handling each case. Column 9 displays case status: "X" for Pending, "A" for Approved, "P" for Approved with Provisos, "D" for Denied, "R" for Returned Without Action, "W" for Withdrawn.

If your list of licenses exceeds one screen, "F5" will move you to the next screen; hitting "F5" and the "Shift" key together moves you to the last screen. If you want more information on a case than Screen 2 provides, move the cursor to that case and press "Enter."

Screen 3 — Case Chronology

The top of this screen provides much the same information as Screen 2, but in a different format. The bottom shows case chronology: the date the application was prepared, the date DTC received it, whether it was staffed, the date it was notified to Congress (if applicable), the date it was signed by the licensing officer, and the date of final action (when DTC mailed it back to the applicant).

To move from one case chronology to another, press "F5" to scan the licenses in the order they were listed on Screen 2, or return to Screen 2 by hitting "F10" and then move the cursor to the next case of interest. If the chronology indicates the case was staffed, press "F7" to get the staffing screen.

Screen 4 — Staffing Information

DTC "staffs" about 25% of cases to other offices or agencies for policy or technical review. Screen 4 shows the date the case was staffed and the date each recipient made its recommendation to DTC. If the case was restaffed, "F3" will supply restaffing info.

Cases are often staffed to DTC's Compliance Division (CAD). Cases are staffed within the

Political-Military Affairs Bureau to the Office of Export Control Policy (EXP); the Office of Defense Relations and Security Assistance (DRSA); and the Office of Chemical, Biological, and Missile Nonproliferation (CBM).

DTC staffs to State's Bureau of Democracy, Human Rights, and Labor (DRL, formerly HA); Bureau of Oceans, Environmental, and Scientific Affairs (OES), and regional bureaus: African Affairs (AF); Inter-American Affairs (ARA); East Asian and Pacific Affairs (EAP); European and Canadian Affairs (EUR); Near Eastern Affairs (NEA); and South Asian Affairs (SA).

DTC also refers cases to the Arms Control and Disarmament Agency (ACDA); the Department of Defense (DoD); the Department of Energy (DOE), and NASA.

Screen 5 — Query Options

Access Screen 5 by pressing "F9" while in Screen 2. Use Screen 5 to perform queries against your company's ROBB database by license type, license number, date received, date prepared, country of destination, final action, date of final action, and license value. To do a query of your company's applications for a specific country, for example, enter the country code and press "Enter."

Use two-digit dates (e.g., January 4, 1991 is 01/04/91). Use the colon to search a range (e.g., to search December 1, 1990 through January 4, 1991, enter 12/01/90:01/04/91). Use a semi-colon to check two dates but not the intervening period (e.g., 12/01/90;01/04/91 will check December 1 and January 4, but not the dates in between). To get details of the many queries which can be run using Screen 5, press "F8" for "Help."

Log Off

Failure to log-off formally may allow subsequent ROBB users from other companies to see some information accessed by you. ♦

Licensing Officer Assignments

The Office of Defense Trade Controls periodically reassigns accounts among licensing officers to ensure breadth of expertise. As of June, licensing responsibilities were assigned as follows:

There are currently two License Processing Teams, Team A and Team B. Those on Team A are marked below with an asterisk (*) and those on Team B with a number sign (#). Within a team, licensing officers serve as backups for each other. Those not yet on a team will be backed up during annual leave periods by Sam Capino (x57396) for commodity jurisdiction requests, all license applications, and distribution agreements. Agreement licensing officers will back up each other. Eventually, all licensing officers will be assigned to a team.

CATEGORY	COMMODITIES	COMPANIES	LICENSING OFFICER	EXT.
Category I: Firearms	All (a)-(d)	J,K,L,M	Carol Basden (CBB) #	55678
	All	E,N,Q,V,W,X,Y,Z	Sue Clark (SMC) *	57043
	All	A,B,F,I	Terry Davis (TLD)	55662
	All	G,H	Terry Hunter (NTH) *	56637
	All	D,R,U	Carolyn Lancaster (CLL) #	56616
	All	C,O	Suzanne Palmer (SMP) #	55657
	All	P,S,T	Ken Peoples (KMP) *	56619
Category II: Artillery Projectors	All (a)-(d)	All Companies	Sue Clark (SMC) *	57043
Category III: Ammunition	All (a)-(e)	J,K,L,M	Carol Basden (CBB) #	55678
	All	E,N,Q,V,W,X,Y,Z	Sue Clark (SMC) *	57043
	All	A,B,F,I	Terry Davis (TLD)	55662
	All	G,H	Terry Hunter (NTH) *	56637
	All	D,R,U	Carolyn Lancaster (CLL) #	56616
	All	C,O	Suzanne Palmer (SMP) #	55657
	All	P,S,T	Ken Peoples (KMP) *	56619
Category IV Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines	Mines and Bombs in (a)	All Companies	Sue Clark (SMC) *	57043
	Torpedoes in (a)	All Companies	Suzanne Palmer (SMP) #	55657
	All Else in (a)-(g) [rockets, grenades, depth charges, missile launchers, demolition blocks, blasting caps, missile and anti- missile systems, excavating devices and ablative materials]	A-L	Ken Peoples (KMP) *	56619
	All Else in (a)-(g)[same as above]	M-Z	Terry Davis (TLD)	55662
Category V: Explosives, Propellants, Incendiary Agents, and Their Constituents	All (a)-(f)	All Companies	Suzanne Palmer (SMP) #	55657

CATEGORY	COMMODITIES	COMPANIES	LICENSING OFFICER	EXT.
Category VI: Vessels of War and Special Naval Equipment	All (a)-(g)	All Companies	Carolyn Love (CAL)	56638
Category VII: Tanks and Military Vehicles	All (a)-(i) All All All	C,R,T,U,V I,J,K,L,M A,B,D,E,F,G H,N,O,P,Q,S,W,X,Y,Z	Daniel Buzby (DJB) # Dan Cook (DLC) # Martin O'Mara (MJO) Sandy Snyder (SAS) *	57048 55674 57040 22357
Category VIII: Aircraft, [Spacecraft] and Associated Equipment	(a),(c),(g) [helicopters, non-expansive balloons and drones, cartridge actuated devices and ground effect machines] (a),(c),(g) [same as above] (b) [aircraft engines] (a),(d),(f) [fixed wing aircraft, launching and recovering equipment, developmental aircraft] (a),(d),(f) [same as above] (e) [inertial navigation systems]	A-L M-Z All Companies A-L M-Z All Companies	Carol Basden (CBB) # Sue Clark (SMC)* Carol Basden (CBB) # Carolyn Lancaster (CLL) # Terry Hunter (NTH) * Suzanne Palmer (SMP) #	55678 57043 55678 56616 56637 55657
Category IX: Military Training Equipment	All (a)-(c)	All Companies	Carolyn Love (CAL)	56638
Category X: Protective Personnel Equipment	All (a)-(e)	All Companies	Sue Clark (SMC) *	57043
Category XI: Military [and Space] Electronics	All (a)-(e) All All All All All	E,H,I,K,N L,R A,O,V F,I,P,Q,S,U,X,Y,Z B,D,G,M C,W,T	Daniel Buzby (DJB) # Calvin Chin (CC) * Carolyn Love (CAL) Dan Cook (DLC) # Martin O'Mara (MJO) Sandy Snyder (SAS) *	57048 57047 56638 55674 57040 22357
Category XII: Fire Control, Range Finder, Optical and Guidance and Control Equipment	All except (d) All except (d) All except (d) All except (d) (d) [inertial platforms and sensors, astrocompasses, star trackers, accelerometers and gyros]	B,L,N,V C,G,K,M,T,U,W,X,Y,Z H,O,S A,D,E,F,I,J,P,Q,R All Companies	Daniel Buzby (DJB) # Calvin Chin (CC) * Martin O'Mara (MJO) Dan Cook (DLC) # Suzanne Palmer (SMP) #	57048 57047 57040 55674 55657
Category XIII: Auxiliary Military Equipment [(a)and (c)-(e) include cameras, self-contained diving and underwater breathing apparatus, carbon/carbon billets and preforms, concealment and deception equipment, energy conversion devices, chemiluminescent compounds and solid state devices, devices embodying particle beam and electromagnetic pulse technology, metal embrittling agents, measurement equipment]	(b) [Encryption] All except (b) All except (b)	All Companies C,D,J,K,L A,B,E,F,G,H,I,M,N,O,P,Q,R,S,T,U, V,W,X,Y,Z	Karen Hopkinson (KEH) Calvin Chin (CC) * Sandy Snyder (SAS) *	56641 57047 22357
Category XIV: Toxicological Agents and Equipment and Radiological Equipment	All (a)-(f)	All Companies	Sue Clark (SMC) *	57043
Category XV: Spacecraft Systems and Associated Equipment	All (a)-(e) (a)-(e)	A-L M-Z	Ken Peoples (KMP) * Terry Davis (TLD)	56619 55662
Category XVI: Nuclear Weapons Design and Test Equipment	All (a)-(c)	All Companies	Sue Clark (SMC) *	57043
Category XVII: Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated	Classified Articles, Technical Data, and Distribution Agreements are handled by the Licensing Officer who is responsible for the particular equipment in its unclassified form. Defense services are handled by designated Agreement LOs.			
Category XX Submersible Vessels, Oceanographic and Associated Equipment	All (a)-(d)	A-Z	Carolyn Love (CAL)	56638

All of the above mentioned Licensing Officers handle Licenses and Distribution Agreements.

The following Licensing Officers handle all Manufacturing License and Technical Assistance Agreements:

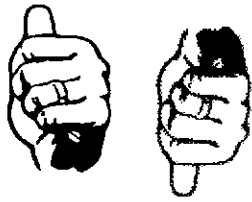
COMPANIES	LICENSING OFFICER	EXT.
B,D,H,J,K,L,N,O,P,Q,R	MAJ Robert S. Kovac (RSK)	55199
G(includes GM Hughes), I,M,U	MAJ Mike Lucas (JML)	55653
A,C,E,F,S,T,V,W,X,Y,Z	LCDR Glenn Smith (GES)	57045

The following officers handle compliance issues:

COMPANIES	OFFICER	EXT.
B,D,E,I,O	Eva Tyler #	57051
A,C,G,P	John Pisa-Relli	56628
H,R,T,X,Y,Z	Martha Wright	55080
J,K,L,M,N	Nancy Meyer	55659
F,Q,S,U,V,W	Ruth Jackson *	55085

The following officer handles Commodity Jurisdiction requests:

COMPANIES	OFFICER	EXT.
All	Tom Denner	57041



Feedback

Please circle or fill in your responses, add any comments, and mail to DTC (**Attn: DTN Feedback**) or fax to **(703) 875-6647**.

1. Your organization is a...

1. Manufacturer
2. Exporter
3. Consulting or law firm
4. Freight Forwarder
5. U.S. Embassy or Consulate
6. U.S. Customs element
7. U.S. DOD/Military element
8. Other U.S. Government element
9. Foreign government element
10. Other (please explain in Comments)

2. How many people will read this issue?

1. 1 person
2. 2-5 people
3. 6-10 people
4. 11+ people

3-17. Please rate the **usefulness** of each article on a scale of 1 (worst) to 5 (best). Rate as "0" any articles you did not read.

3. MiG Policy____
4. Landmine Control____
5. Firearms Policy____
6. Blue Lantern____
7. Access Denied____
8. "U.S. Person"____
9. Firearms Procedures____
10. Cyberspace, Part II____
11. Hardware Exemption____
12. ITAR Exemptions____
13. Country Policy Briefs____
14. Personnel Updates____
15. DTAG Developments____
16. Commodity Jurisdiction____
17. Systems Update____

18-32. Rate **readability** (style and physical presentation) on a scale of 1 (worst) to 5 (best); rate as "0" articles you did not read.

18. MiG Policy____
19. Landmine Control____
20. Firearms Policy____
21. Blue Lantern____
22. Access Denied____
23. "U.S. Person"____
24. Firearms Procedures____
25. Cyberspace, Part II____
26. Hardware Exemption____
27. ITAR Exemptions____
28. Country Policy Briefs____
29. Personnel Updates____
30. DTAG Developments____
31. Commodity Jurisdiction____
32. Systems Update____

33-35. Please circle the numbers of the **three** topics you would most like to see covered.

1. Defense trade policy
2. Non-defense trade policy
3. Country-specific trade issues
4. Trade legislation
5. Licensing procedures
6. Regulatory and legal issues
7. Licensing case studies
8. Compliance case studies
9. Other (please explain in Comments)

Comments:

We welcome lengthier comments, suggestions, and criticism.



Log onto ELLIE

State's Electronic License Entry System

The State Department's Office of Defense Trade Controls (DTC) now offers on-line electronic license submission via *ELLIE*, the *Electronic License Entry System*. Since its inception in late 1993, ELLIE has processed over 2000 applications. Having successfully completed the pilot stage of the project, DTC has gradually increased the number of companies participating in the ELLIE program to over 300.

ELLIE is a free service. To use ELLIE, you must have access to DTC's Remote On-line Bulletin Board (ROBB). Access to ROBB and ELLIE requires a PC, a modem, and communications software, which your firm may already possess.

To sign up for ELLIE, please mail this application to DTC (Attn: Computer Support Staff) or fax it to (703) 875-5663.

TO: Director, Computer Support Staff, Office of Defense Trade Controls
FAX: (703) 875-5663

FROM: _____
(Company Name)

We would like to sign up to submit license applications electronically via ELLIE.

We do/do not already use ROBB.

Our firm submits approximately _____ license applications to DTC per year.

DTC Registration Code _____

Address _____

City, State, ZIP _____

Point of Contact for ELLIE _____

Phone () _____ Fax () _____



Sign Up for State Department Export Licensing Training

The State Department's Office of Defense Trade Controls (DTC) can design a seminar on export licensing policies and procedures with your specific needs in mind. We hold our seminars at our office in Arlington, Virginia, minutes from the District of Columbia. We normally hold half-day seminars, combining participants from different firms, with attendance limited to 25. We encourage small companies to apply. Dates for upcoming seminars include November 15, 1994 and January 18, 1995. **To sign up, please mail this application to DTC (Attn: Training Seminars Coordinator) or fax it to (703) 875-6647.**

TO: Training Seminars Coordinator, Office of Defense Trade Controls
FAX: (703) 875-6647

FROM: _____
(Company Name)

We would like to send attendees to a seminar including training on these topics:

____ Completion of Applications	____ Registration Requirements
____ Country Licensing Policies	____ Congressional Requirements
____ Proscribed Country Requirements	____ Agreement Requirements
____ U.S. Customs EXODUS Program	____ Commodity Jurisdiction Requests
____ Processing of Requests	____ Licensing Foreign Nationals

Other subject areas we would like covered _____

Number wishing to attend: _____.

Primary U.S. Munitions List categories of defense articles, services, and/or technical data with which our firm deals: 1. _____ 2. _____ 3. _____ 4. _____

Our attendees would/would not be interested in briefing DTC about our products and services.

DTC Registration Code _____

Address _____

City, State, ZIP _____

Point of Contact for Training _____

Phone () _____ Fax () _____

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PM/DTC, SA-6, Room 200

Office of Defense Trade Controls

Bureau of Political Military Affairs

U.S. Department of State

Washington, D.C. 20522-0602

Contacting the Office of Defense Trade Controls

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Office of Defense Trade Controls
Bureau of Political-Military Affairs
PM/DTC, SA-6, Room 200
U.S. Department of State
Washington, D.C. 20522-0602

Express Mail/Courier Delivery Address

Office of Defense Trade Controls
Bureau of Political-Military Affairs
PM/DTC, Room 200
U.S. Department of State
1700 Lynn Street
Arlington, VA 22209-3113

Fax Numbers

Director; Licensing Division;
Defense Trade News: (703) 875-6647
Compliance Division;
Computer Support Staff: (703) 875-5663

General Telephone Numbers

General Information: (703) 875-6644
Office Director & Deputies: (703) 875-7050
Defense Trade News: (703) 875-5671
Licensing Division: (703) 875-6644
Registration/Compliance: (703) 875-6650
Commodity Jurisdiction: (703) 875-5655

Status Inquiry Telephone Numbers

Case Status Inquiries: (703) 875-6652
Congressional Case Status: (703) 875-6641
Automated License
Status System (ALISS): (703) 875-7374
Remote On-Line
Bulletin Board (ROBB): (703) 875-6650

Contacting the Deputy Assistant Secretary for Export Controls

Deputy Assistant Secretary for Export Controls
Bureau of Political-Military Affairs
PM, Room 7325A
U.S. Department of State
Washington, D.C. 20520-7325

Contacting the Office of Export Control Policy

Office of Export Control Policy
Bureau of Political-Military Affairs
PM/EXP, Room 2242
U.S. Department of State
Washington, D.C. 20520-2242

Telephone (202) 647-4231
Fax (202) 647-4232

Ordering Forms and Regulations

To order license application forms, write the Office of Defense Trade Controls or fax (703) 875-6647. Please mark your message "**Attn: Forms.**" Specify the type and quantity of forms needed, and provide a phone number and point of contact along with your address. To order a copy of the International Traffic in Arms Regulations, call the Government Printing Office at (202) 783-3238 from 8:00-4:00 EST; cite stock number 069-001-000-58-1. Please note that DTC does not distribute the ITAR and GPO does not carry application forms.

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