


STATE DEPARTMENT

1. Complete collection of foreign gun laws and crime statistics. Add to questionnaire statistics on crime involving other weapons by weapon used.
  2. Obtain and correlate information on importers from Office of Munitions Control.
    - a. Names of importers.
    - b. Statistics broken down into military and non-military.
    - c. Rationalize BDSA import statistics with Office of Munitions Control statistics.
  3. Obtain testimony of gun manufacturers in regard to tariff on imports.
  4. Investigate whether a complete banning of imports would be contrary to GATT.
  5. Volume and type of military equipment sold or given to foreign governments since World War II and any estimates of how much of this equipment is still in use and how much has been sold on the world market.
  6. A complete breakdown by province, and for ten largest cities, of Canadian violent crime by weapon used.
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# MUNITIONS CONTROL: U.S. Foreign Policy Into Action

Such control, a function of the Department, is used to further world peace and the security and foreign policy objectives of the U. S. Thus, the primary issue is political and often involves military security.

By THEODORE B. DOBBS

**T**HE ERUPTION of the Middle East within the recent weeks has once again focused attention upon the use of munitions control as an instrument of foreign policy. This control and policy function of the Department of State is vested within the Office of Munitions Control (MC).

The licensing of export of arms, ammunition and implements of war, a function long exercised by the Secretary of State, is an integral part of the foreign relations of the United States, and control of arms traffic is an important instrumentality of U.S. foreign policy. It differs from licensing control over other commodities in that commercial considerations have rarely ever had any significant bearing on the control decision. The primary issue is invariably political and often involves consideration of military security.

From an inconspicuous beginning with an embargo applied on arms exports to the Dominican Republic in 1905, the function of control of arms progressed to the announcement by the late U.S. Representative to the United Nations, Adlai E. Stevenson, before the Security Council on August 2, 1963, that the United States had banned sales to South Africa of arms and military equipment.

Such controls are used in the interest of furthering world peace and the security and foreign policy objectives of the United States.

In an Executive Order dated January 4, 1967, the President prohibited any activities "... which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles and equipment. . . ." Even more recently restrictive controls were applied to the Middle East area.

Arms export operations must at

Mr. Dobbs is currently assigned to the Office of Munitions Control as Special Assistant to the Director.

all times be sensitive and responsive to the requirements of foreign policy, and the formulation of arms export policy is necessarily the responsibility of the Department of State, in consultation where needed with the Department of Defense and other agencies.

The United States Munitions List embraces "hard core" military equipment and hardware. Specifically, the general categories of items designated as arms, ammunition and implements of war subject to import and export controls include the following:

- ✓ Firearms
- Artillery and Projectors
- ✓ Ammunition
- Propellants, Explosives and Incendiary Agents.
- Tanks and Military Vehicles
- Aircraft, Spacecraft and Associated Equipment
- Military Training Equipment
- Protective Personnel Equipment
- Auxiliary Military Equipment
- Military and Space Equipment
- Toxicological Agents and Equipment
- Radiological Equipment
- Helium Gas
- Classified Articles
- Technical Data
- Miscellaneous Articles

The list is not immutable. Articles are added and deleted from the list by the Department of State with the concurrence of the Department of Defense as the need for control (or lack of control) becomes apparent. Items no longer considered to be of military significance are deleted from the Munitions List and the Department of Commerce assumes jurisdiction for the control of their export.

In the latest revision of the List, which became effective on December 2, 1966, several articles in normal commercial or sporting use, e.g., sporting scuba equipment, minor components or parts for firearms and chlorine and other chemicals, were eliminated. A few articles were also added to the List, reflecting both technological advances and for-

eign policy requirements. These included ground effects machines and certain inertial guidance systems.

All persons in the United States engaged in the business of manufacturing, exporting or importing articles on the Munitions List must register with the Department of State. Those who are registered must keep a record of all export or import transactions for a specified period to provide a basis for enforcement proceedings, should they become necessary.

Nearly 1400 U.S. firms are registered with MC. Other agencies of the Government are consulted by the Department of State with respect to investigation of particular transactions, the enforcement aspects of the control function, and reported actual or threatened violations of the law and specific policies involving shipments to and from other countries.

The licensing system serves as an instrument of supervision and regulation. Its need for correlation with national policy is much more significant with its implications for national security, foreign policy and international peace than is the case with non-Munitions List articles.

**F**OR EXAMPLE, the question of a national ability or need to support a weapons system or our own goals in reducing arms races or the limitation of sophisticated weaponry in certain areas of the world are essentially foreign policy rather than commercial problems. Consequently, in this respect control differs both as to administrative methods employed and policy objectives sought.

How does it work? Many proposed shipments are routine in character and the Licensing Officers in the Arms Traffic Division of MC will quickly approve or disapprove the license applications. Their decisions are based on their knowledge, experience, pertinent established policy and recorded past transactions. More than 30,000 applications are acted upon annually

"For many areas of the world, because of continuous conditions of international tension and instability, it has been impossible to establish such guiding policies as would permit the arms licensing authority to operate without seeking political guidance on individual cases in the category of armaments proper.

For many other areas there has always been a substantial and irreducible number of cases on which policy guidance on a case-by-case basis has been necessary.

Many applications involve complex questions with elements of significance to the security and foreign policy interests of the United States. These applications are passed to the Arms Policy Division of MC for review and for a determination of what action should be taken.

All interested agencies, e.g., NASA, AEC, and the Department of Defense are asked for their views and technical evaluations concerning the proposed transactions.

Offices within the Department, including regional bureaus (country directors and politico-military advisers), ACDA, etc., are queried about the national policy aspects of the proposed transactions and whether they believe they should be approved or denied.

Upon receipt of all pertinent comments, the Arms Policy Division attempts to reconcile any conflicting views and then authorizes the approval or denial of the pending license application. There are instances where the Arms Policy Division is unable to obtain a resolution of the problem. The Chief of the Division then consults with the Office Director in an attempt to resolve the issue.

If the Office Director cannot resolve the matter, or if the subject matter has possible far reaching implications, the Director, Office of Munitions Control, reports directly to his superior, the Deputy Assistant Secretary of State for Politico-Military Affairs (G/PM) who, if necessary, refers the problem to the Deputy Under Secretary of State for Political Affairs (G) for final decision.

As a result of technological developments in the military sciences, the problems relating to proposed exports of arms technology or of equipment used in the production of those items on the Munitions List is of ever increasing concern to the Office of Munitions Control. In many areas technology and "know-

how" are more important than the "hardware" itself.

Although the definition of "technical data" was clarified in the recently revised Regulations, it still presents problems. Purely educational programs covering Munitions List subjects from a scientific point of view outside of areas of significant military applicability, are not considered as "technical data" under current regulations. Further, the revised Regulations also extend on a world-wide basis the exemption from Munitions List control of published unclassified technical data and technical data approved for public release and publicly disseminated.

**A**GREEMENTS BETWEEN persons or companies in the United States who desire to manufacture Munitions List items abroad (or furnish technical assistance) must be approved in advance of their effective date by the Office of Munitions Control. The Office examines all proposed manufacturing license or technical assistance agreements from the standpoint of US foreign policy and military security.

Department control of exportation of aircraft has been a source of recent publicity. Regardless of "demilitarization," all aircraft bearing an original military designation (including those with cargo or "C" designators such as the C-45, C-46, C-47 and C-54) are subject to control by the Office of Munitions Control if they are exported from the United States or depart for a temporary sojourn.

During the past two years, the Office has devoted much time and energy to restaffing and reorganization in order to be responsive to industry without jeopardizing the in-

terests of the U.S. Government. Improved office space and office equipment have been procured. For the first time the Office is staffed predominantly by Foreign Service officers who have brought with them their varied backgrounds of service and experience in such varied areas as South Africa, Israel, Viet-Nam, Indonesia and the Congo.

The most recent move toward increasing service to interested agencies has been the restoration of a statistical unit which will provide internal information on the flow of Munitions List articles. The Office can be a source of world-wide arms information gathered from a variety of sources. Possible contributions by the Office of Munitions Control could then include some or all of the following:

1. The publication of an occasional short but complete statement on international arms movements based on available statistics and illuminated by brief narrative comments.

2. Evaluation of imminent or suspected arms exports and imports from the standpoint of security control and policy implication.

3. Assistance in devising more effective control procedures.

4. Compilation of usable and current background information on specific problems in the arms traffic field.

5. Coordinating the preparation of special reports and other information requested by Governmental agencies.

Implementation of present plans should enable the Office of Munitions Control to be a more effective instrument for the promotion of world peace and the advancement of United States security and foreign policy interests.



LONDON—Admiral Thomas H. Moorer, Supreme Allied Commander, Atlantic, NATO, is shown on his recent arrival in London. While here, he spoke on "Seapower." Accompanying the Admiral were his wife and two State Department officers, FSO Terry Sanders, at the left, who is Admiral Moorer's Political Adviser, and Giles M. Kelly, Bureau of Public Affairs. Mr. Kelly was on military training duty.

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.552]

#### PART 123—LICENSING CONTROLS Canadian Shipments

Subchapter M of the regulations of the Secretary of State, Part 123, § 123.23, published December 2, 1966 (Dept. Reg. 108.543, 31 F.R. 15174) is amended as follows: Subparagraphs (3) and (4) of paragraph (c) are revised and a new subparagraph (5) is added to paragraph (c) to read as follows:

##### § 123.23 Canadian shipments.

(c) \* \* \*

(3) Naval nuclear propulsion items as defined in Category VI(e);

(4) Nuclear weapons strategic delivery systems and all specifically designed components, parts, accessories, attachments, and associated equipment therefor (see § 125.32 of this subchapter); and

(5) Aircraft as defined in Category VIII(a) in § 121.01 of this subchapter (and see § 123.64).

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104-3-A, 28 F.R. 7231)

Dated: March 1, 1967.

[SEAL]

DEAN RUSK,  
Secretary of State.

[F.R. Doc. 67-2990; Filed, Mar. 17, 1967;  
8:46 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.554]

#### PART 126—VIOLATIONS AND PENALTIES

##### Exports to Southern Rhodesia

Subchapter M of the regulations of the Secretary of State, Part 126, published December 2, 1966 (Dept. Reg. 108.543, 31 F.R. 15174) is amended as follows:

1. Add the following to the authority citation: "The provisions of Part 126 regarding exports to Southern Rhodesia, issued under E.O. 11322, 32 F.R. 119; 59 Stat. 620, 22 U.S.C. 287(c)."

As amended, the authority citation for Part 126 reads as follows:

AUTHORITY: The provisions of this Part 126 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231. The provisions of Part 126 regarding exports to Southern Rhodesia, issued under E.O. 11322, 32 F.R. 119; 59 Stat. 620, 22 U.S.C. 287(c).

2. Add new § 126.10 as follows:

##### § 126.10 Penalties for violations relating to Southern Rhodesia.

Any person subject to the jurisdiction of the United States who, with regard to exports from the United States to Southern Rhodesia, willfully violates any provision of section 1(d) of Executive Order 11322 or any rule or regulation contained in this part, or who willfully in a registration or license application makes any untrue statement of a material fact, or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

Dated: March 20, 1967.

[SEAL] NICHOLAS DEB. KATZENBACH,  
Acting Secretary of State.

[F.R. Doc. 67-3611; Filed, Mar. 31, 1967;  
8:48 a.m.]



July 19, 1968

Mr. Robert H. Rose  
Special Assistant  
Office of Munitions Control  
Department of State  
Washington, D.C. 20520

Dear Mr. Rose:

It is my understanding from Miss Leigh Hallingby of my staff that your office will be able in the very near future to break down the information supplied to us in your letter of July 3, 1968, into military and non-military firearms. In order to avoid duplication of effort, please provide us with the following additional breakdown when your analysis of this material is begun:

(1) Type and caliber of weapon.

(2) Residence, age, sex, occupation, race, and other available information regarding the person importing, if an individual.

(3) Location and address of the importer, if a dealer or distributor.

I would also appreciate your advice regarding:

(1) The precise meaning of footnote 1 on your compilation.

(2) The definition of terms used in your compilation.

Mr. Robert H. Rose

-2-

July 19, 1968

(3) How we can obtain comparable information for the years prior to 1962.

(4) Information as to imports of ammunition or other weapons, such as anti-tank guns, bazookas, grenade launchers, grenades, and flame throwers.

If you have any questions regarding this request, I would appreciate your calling me immediately at 395-4991.

Sincerely yours,

George D. Newton, Jr.  
TASK FORCE ON WEAPONS

GDN:SW

*State*

NATIONAL COMMISSION ON THE CAUSES  
AND PREVENTION OF VIOLENCE

726 JACKSON PL., N.W.  
WASHINGTON, D.C. 20506

9 Sep 68

NOTE FOR HARRY BARNETT

This is a tabulation of the BDSA and State Department figures we talked about this morning. We talked to the State Department people this afternoon and they observed:

1. That Customs requires declaring all firearms.
2. That there is a substantial number of firearms coming into the United States from Canada.

I doubt both of these statements and wish you would check them out with the Commerce people.

George Newton

Imported

	<u>BDSA</u>	<u>Rifles</u> <u>State</u>	<u>BDSA</u>	<u>Pistols</u> <u>State</u>	<u>Shotguns</u> <u>BDSA</u>
1962		183,636		202,770	
1963	218,550	424,085	223,068	142,159	119,753
1964	181,532	191,187	253,200	128,660	138,692
1965	245,243	729,392	346,906	258,876	174,151
1966	291,148	189,811	513,019	299,596	191,963
1967	239,141	134,000	747,013	302,404	221.667
1968		27,458		23,824	



Our most flagrant case concerned a person with a record of 71 misdemeanor arrests who lived in the 1200 block of Massachusetts Avenue within 5 blocks of the nearest gun store. This gentleman traveled 8 miles in order to guarantee his anonymity.

In contrast to Maryland, a check of the Virginia stores which operate under local laws requiring a waiting period similar to that of the District of Columbia and notification of the local police prior to delivery, failed to show any significant sales to District residents with criminal records. They do not go to places where there is some effort to maintain control over the sale of these weapons.

The situation I have just described clearly illustrates the ease with which virtually anyone, including convicted criminals, may purchase firearms outside the jurisdiction of their residence and make a mockery of the laws of their own community.

I might add that this situation is not peculiar to the Metropolitan Washington area. Information furnished us by the New Jersey State Police indicates that the laws of that State are circumvented by persons traveling into nearby Maryland, purchasing firearms and then returning to New Jersey.

In cooperation with Maryland authorities, the New Jersey State Police determined that 27 New Jersey residents purchased handguns in just 1 Maryland jurisdiction.

Five of the purchasers used the same fictitious address in Plainfield, N.J., and two others used fictitious addresses in Newark and in Elizabeth. One of the purchasers who used the fictitious address in Plainfield purchased 13 .22-caliber revolvers and one .25-caliber automatic. Subsequent investigation revealed that this man is actually a resident of New York City and has a lengthy police record there and a record with the FBI.

We could go on, but I think the point is obvious. We must take steps to control this traffic. The only reasonable and enforceable method of controlling it is through the provision of S. 1592 which prevents a dealer from selling to residents of other States. That is the reason for it.

We will hear from officials of the State of New Jersey at a later date and further information of the type I have just described will be presented.

Another area with which S. 1592 is concerned is the importation of foreign-made and military surplus firearms, which are sold both through retail outlets and by mail order in the United States.

During 1963 and 1964, available records show that some 2,167,629 firearms were imported into this country. When this figure is broken down, we find that 847,633 pistols and revolvers and 1,319,996 rifles and shotguns were imported.

Included among the various types, models, and makes of firearms which poured into this country is the .20 millimeter Lahti antitank gun, which we have on display here today. This is a rather heavy and cumbersome implement of war. However, the following cases show the various uses to which this gun has been put to use in this country.

During 1960, 1961, and 1962, two notorious bank robbers, one a killer, embarked on a spree of terror, armed robbery, and death which resulted in their being the subject of one of the most extensive man-hunts in the history of the FBI.

7 June  
1956  
Ray  
Rose

November 8, 1968

Mr. George D. Newton, Jr.,  
Co-Director, Weapons Task Force  
The National Commission on the Causes  
and Prevention of Violence  
726 Jackson Place  
Washington, D. C. 20506

Dear Mr. Newton:

Please refer to your letter of October 30, 1968. I think we have resolved the problem of the 550,482 rifles which did not appear in the Customs Office figures. I attach for your information "U.S. Imports For Consumption and General Imports - 1965." Please refer to page 488, Item No. 7302320 and you will observe that 543,518 rifles were brought into the U.S. in 1965 but not for consumption. These weapons were in a bonded warehouse; however, they would appear as an import in the Munitions Control Office figures. That is our discrepancy with the Customs Office figures.

Concerning Paragraph 2 of your letter you gave me a List of 72 importers of weapons which list I return to you herewith. Mr. John Sipes testified in 1965 that he believed there were approximately 150 registered importers. The explanation for the difference between 72 and 150 is simply that the figure of 150 includes importers of all items on the Munitions Control list which include metals, chemicals, aircraft parts, as well as weapons. Also, please note that this figure varies from month to month, but weapons importers, I am informed by Munitions Control, remained fairly constant during the period 1965 to the present, approximately 70 to 80.

Regarding Paragraph 3 of your letter, barrelled actions are listed by Munitions Control as rifles; unbarrelled actions are not. It is entirely possible for an importer to import on separate licenses barrels, stocks and action parts and then assemble these items in the U.S. without the knowledge of the Customs Office or the Office of Munitions Control.

Paragraph 4 refers to the Neutrality Act and by safe hand I will forward to you six (6) copies of Annual Reports of the National Munitions Control Board from 1936 to 1941. These reports have been charged to the Department of State Library by the Library of Congress and must be returned to this office when they have served your purpose. They contain the only available information concerning weapons imports during the period you indicated. Please note the Library deadline of November 21.

The last Paragraph of your letter raises the question as to how the Office of Munitions Control determines whether firearms being imported are Military Assistance program firearms. The answer is solely by review of the application form; Box 9 of the application indicates that if the weapons are of a military type corroborative evidence must be submitted to ensure that they are not Military Assistance items.

You mentioned that INTERARMCO has imported large quantities of M1 Carbines. Those weapons were imported under bond and are solely for sale to agencies of the U.S. Government and to local and State police agencies.

Sincerely,

Frederick S. York,  
Department of State  
Liaison Officer

Attachments:

- 1) List of 72 Importers
- 2) U.S. Imports
- 3) Annual Reports of National  
MC Board - 6



DEPARTMENT OF STATE

Washington, D.C. 20520

November 8, 1968

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Co-Director, Weapons Task Force  
The National Commission on the Causes  
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726 Jackson Place  
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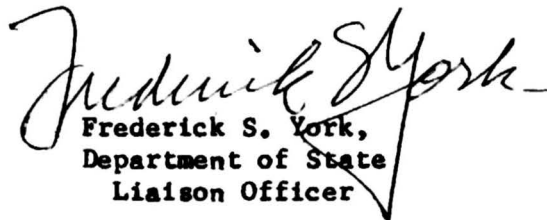


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Frederick S. York,  
Department of State  
Liaison Officer

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- 3) Annual Reports of National  
MC Board - 6

IMPORTERS

72

Alamo Leather Goods Co.  
125 South Flores St.  
San Antonio, Texas 78204

Acme Protection Equip. Corp.  
1201 Kalamazoo St.  
South Haven, Michigan 49090

The American Import Co.  
1167 Mission St.  
San Francisco, Calif. 94103

American & Foreign Export & Import Co.  
21 West St.  
New York, New York 10006

Atlas Corp.  
80 Pine St.  
New York, New York 10005

American Bosch Arms Corp.  
900 Old Country Road  
Garden City, New York 11532

Bauer Manufacturing, Inc.  
Farmington Industrial Park  
Farmington, Conn. 06032

Berent Steel Co., Inc.  
2061 Broadway  
New York, New York 10023

F. A. Bower Import Co.  
P. O. Box 5292  
Jacksonville, Fla. 32207

Buddie Arms Co.  
2226 E. Lancaster  
Ft. Worth, Texas 76103

Anglo American Trading Co., Inc.  
656 N. Larchmont Blvd.  
Los Angeles, Calif. 90004

Atlas Arms, Inc.  
2704 Central Ave.  
Chicago, Ill. 60639

American Firearms & Ammunition Corp.  
29-28 41st Ave.  
Long Island City, N.Y. 11103

Robert Abels, Inc.  
157 East 64th St.  
New York, N. Y. 10021

The Benet Arms Company  
1567 Calif. St.  
San Francisco, Calif. 94109

Beckelhymer's Shooting Supplies  
San Bernardo at Hidalgo  
Laredo, Texas 78040

The Budd Co.  
2450 Hunting Park Ave.  
Philadelphia, Pa. 19132

Browning Industries, Inc.  
Morgan, Utah 84050

Century Arms, Inc.  
3-5 Federal St.  
St. Albans, Vt. 05478

Cumming International, Inc.  
41 Riverdale Ave.  
Yonkers, N. Y. 10701

Custom Hunting Importers Co.  
344 Bellwalt Drive  
Bridgeville, Pa. 15017

Colt's, Inc.  
150 Huyshope Ave.  
Hartford, Conn. 06114

Continental Arms Corp.  
697 Fifth Avenue  
New York, N. Y. 10022

Dave's House of Guns  
2544 Elm St.  
Dallas, Texas 75226

Deep River Armory, Inc.  
5700 Star Lane  
Houston, Texas 77027

Eastern Firearms Surplus, Inc.  
8 Casey St.  
Edison, N. J. 08817

Eig Cutlery, Inc.  
2091 N.W. 25th Ave.  
Miami, Fla. 33142

Flaig's, Inc.  
Evergreen Road  
Pittsburgh, Pa. 15209

Federal Laboratories, Inc.  
Saltsburg, Pa. 15681

Firearms Int'l. Corp.  
4837 Kerby Hill Rd.  
Washington, D. C. 20022

Freeland's Scope Stands, Inc.  
3737 14th Ave.  
Rock Island, Ill. 61201

Firearms Import & Export Corp.  
251-53 SW 22nd Ave.  
Miami, Fla. 33135

J. Gerber & Co., Inc.  
855 Ave. of the Americas  
New York, New York 10001

Great American Arms Corp.  
689 Bergen Blvd.  
Ridgefield, N. J. 07657

General Sporting Goods Corp.  
South Lansing, New York 14882

J. L. Galef & Son, Inc.  
85 Chambers St.  
New York, N. Y. 10007



Gemini Investment Corp.  
8222 Sunset Blvd.  
Los Angeles, Calif. 90046

Hunter's Shack Div. of  
Horizon Products, Inc.  
1011 Alvord St.  
Flint, Michigan 48507

Hy Score Arms Corp.  
200 Tillary St.  
Brooklyn, N. Y. 11201

Herter's, Inc.  
Rural Route No. 1  
Waseca, Minn. 56093

Hialeah Range and Gun Shop, Inc.  
4892 East 10th Court  
Hialeah, Fla. 33013

Int'l. Police Services, Inc.  
1812 R St., N.W.  
Washington, D. C. 20009

Int'l. Arms & Pawn, Inc.  
4002 S. Central Ave.  
Phoenix, Ariz. 85040

Industry Export Service, Inc.  
1007 Temple Bar Bldg.  
138 East Court St.  
Cincinnati, Ohio 45202

Int'l. Distributors, Inc.  
3375 SW 3rd Ave.  
Miami, Fla. 33145

Int'l. Armament Corp.  
10 Prince St.  
Alexandria, Va. 22314

Jana Int'l. Co.  
P. O. Box 1107  
Denver, Colo. 80201

Guy T. Jones Import Co.  
905 Gervais St.  
Columbia, S. C. 29201

Kirklands Guns  
Reelfoot Ave.  
Union City, Tenn. 38261

Al Kelley-Jack Malloy, Inc.  
Nursery Lane  
Rye, N. Y. 10580

Mars Equipment Corp.  
3318 West Devon Ave.  
Chicago, Ill. 60645

Nat'l. Gun Traders, Inc.  
251 S. W. 22nd Ave.  
Miami, Fla. 33135

Montgomery Ward & Co., Inc.  
619 W. Chicago Ave.  
Chicago, Ill. 60607

Precise Imports Corp.  
P. O. Box 458  
3 Chestnut Street  
Suffern, N. Y. 10901

Omega Import Co.  
307 Fifth Avenue  
New York, N. Y. 10016

PIC Imports Corp.  
Decatur Federal Bldg. #426  
Decatur, Ga. 30030

The Rifle Room  
237 Spinning Road  
Dayton, Ohio 45431

Stoeger Arms Corp.  
55 Ruta Court  
South Hackensack, N. J. 07606

Sears, Roebuck & Co.  
925 S. Homan Ave.  
Chicago, Ill. 60607

Santurce Sport Shop, Inc.  
P.O. Box 1339  
1556 Ponce de Leon Ave.  
Santurce, San Juan, Puerto Rico 00902

Sportsman's Den & Gift Shop  
3256 Prospect St., N.W.  
Washington, D.C.

Technipol Int'l. Corp.  
660 Madison Ave.  
New York, N. Y. 10021

Service Armament Co.  
689 Bergen Blvd.  
Ridgefield, N.J. 07657

Weatherby, Inc.  
2781 Firestone Blvd.  
South Gate, Calif. 90280

Yankee Gun Shop, Inc.  
163 Boston Post Rd.  
Orange, Conn. 06477

York Cutlery Co., Inc.  
552 West Market St.  
York, Pa. 17404

Sloan's Sporting Goods Co., Inc.  
88 Chambers St.  
New York, N. Y. 10007

San Francisco Gun Exchange  
75 Fourth St.  
San Francisco, Calif. 94103

Saint Hubert Co.  
Waseca, Minn. 56093

Standard Armament, Inc.  
631 Allen Drive  
Glendale, Calif. 91201

United Firearms Co.  
3235 Ross Ave.  
Dallas, Texas 75204

Universal Firearms Corp.  
3746 E. 10th Court  
Hialeah, Fla. 33012



NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

726 JACKSON PL., N.W.  
WASHINGTON, D.C. 20506

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October 30, 1968

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WILLIAM G. McDONALD  
ADMINISTRATIVE OFFICER

Mr. Frederick S. York  
S/S-S, Room 1417  
Department of State  
Washington, D. C. 20520

Dear Mr. York:

I noted on reviewing my letter to you of September 19, that we have not received an answer to Item 3. Have you had any success in discussing with Customs the apparent oversight of reporting 550,482 rifles imported in 1965?

In August we attempted to obtain from the Office of Munitions Control information on the number of registered importers. We have received conflicting information in regard to this request. Although the State Department testified in 1965 that there were approximately 150 such importers, we have been advised that there are only 72. Will you kindly obtain for us the total number of registered importers for each year since 1965.

I am also curious about the Office of Munitions Control's policy in regard to licensing of imported firearms "actions" and "barreled actions." Must the importer list these separately, or can they be lumped together under spare parts? If they are listed separately, are the figures included under the totals for rifles?

I also note a reference to Section 12 of the Neutrality Act of 1939 and the statement that this section gave to the Secretary of State the power to grant import licenses. If any such licenses were granted in regard to firearms, I would appreciate knowing the number and type of firearms imported between 1939 and 1954 when the Mutual Security Act was passed.

In addition, I note that the 1958 amendment to the Mutual Security Act prohibits importation of military firearms provided foreign governments under Military Assistance Programs. How does the Office of Munitions Control determine that particular firearms are Military Assistance Program firearms or other firearms? For instance, you will recall that INTERARMCO has imported large quantities of M-1 carbines. Are these inspected by the State Department prior to issuing the licenses?

Thank you for your cooperation.

Yours very truly,

  
GEORGE D. NEWTON, Jr.  
Director, Task Force on Firearms



DEPARTMENT OF STATE

Washington, D.C. 20520

July 3, 1968

Mr. Joseph Sahid  
National Commission on the  
Causes & Prevention of Violence  
726 Jackson Place, N.W.  
Washington, D.C., 20506

Dear Mr. Sahid:

Pursuant to your request, I am forwarding herewith a tally of the numbers of pistols, revolvers and rifles imported into the United States against licenses issued for the period January 1, 1962 through May 31, 1968.

At the present time, approximately 72 firms are registered with this office as importers of firearms and of these approximately 29 are in the "major" category.

If I can be of any further help, please do not hesitate to let me know.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert H. Rose", with a long, sweeping horizontal line extending to the right.

Robert H. Rose  
Special Assistant  
Office of Munitions Control

Enclosure:  
Statistics

# FEDERAL REGISTER

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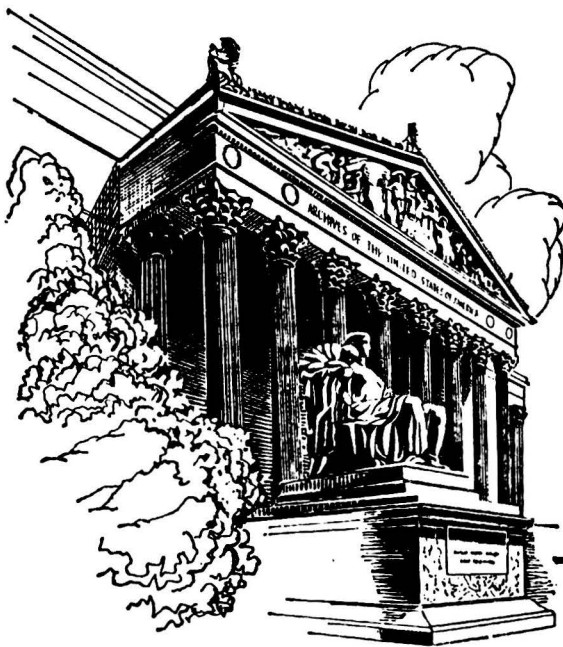
Friday, December 2, 1966 • Washington, D.C.

PART II

Department of State

International Traffic  
in Arms

Revision and Republication



## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 106.543]

#### SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

#### REVISION AND REPUBLICATION OF SUBCHAPTER

Subchapter M of the regulations of the Secretary of State (§§ 121.01–127.01) issued July 13, 1966 (Departmental Regulation 108.520, 30 F.R. 9034) is hereby revised as follows:

#### Part

- 121 Arms, ammunition, and implements of war.
- 122 Registration.
- 123 Licensing controls.
- 124 License and technical assistance agreements.
- 125 Technical data.
- 126 Violations and penalties.
- 127 Administrative procedures.

### PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

#### ENUMERATION OF ARTICLES

#### Sec.

- 121.01 The United States Munitions List.

#### DEFINITIONS AND INTERPRETATIONS

- 121.02 Substantial transformation.
- 121.03 Firearms.
- 121.04 Cartridge and shell casings.
- 121.05 Military demolition blocks and blasting caps.
- 121.06 Apparatus and devices under Category IV(b).
- 121.07 Amphibious vehicles.
- 121.08 Chemical agents.
- 121.09 Propellants.
- 121.10 Military explosives.
- 121.11 Military fuel thickeners.
- 121.12 Vessels of war and special naval equipment.
- 121.13 Aircraft and related articles.
- 121.14 Helium gas.
- 121.15 Forgings, castings, and machined bodies.
- 121.16 "United States".
- 121.17 Person.

**AUTHORITY:** The provisions of this Part 121 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 106, E.O. 10973, 28 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231.

#### ENUMERATION OF ARTICLES

- § 121.01 The United States Munitions List.

Pursuant to the authority cited supra the following articles<sup>1</sup> are hereby designated as arms, ammunition and implements of war.

#### CATEGORY I—FIREARMS

- (a) Nonautomatic and semiautomatic firearms, to caliber .50 inclusive, and all components and parts thereof (see §§ 121.03, 123.03, 123.51, and 123.55).
- (b) Automatic firearms and all components and parts thereof to caliber .50 inclusive (see §§ 121.03 and 123.03).

<sup>1</sup> The term "article" shall mean any of the arms, ammunition and implements of war and technical data relating thereto enumerated in the United States Munitions List. (See § 123.66)

(c) Insurgency-counterinsurgency type firearms or other weapons having a special military application regardless of caliber; and all components and parts thereof.

- (d) Firearms silencers.
- (e) Bayonets and specifically designed components thereof.
- (f) Riflescopes (except sporting type sights including optical) and specifically designed components thereof.

#### CATEGORY II—ARTILLERY AND PROJECTORS

- (a) Guns over caliber .50, howitzers, mortars, and recoilless rifles.
- (b) Military flame throwers and projectors.
- (c) Components and parts including, but not limited to, mounts and carriages for the articles in paragraphs (a) and (b) of this Category.

#### CATEGORY III—AMMUNITION

- (a) Ammunition for the arms in Categories I and II of this section (see § 123.08).
- (b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, fuses and components thereof, primers, and other detonating devices for such ammunition (see § 121.04).
- (c) Ammunition belting and linking machines.
- (d) Ammunition manufacturing machines, and ammunition loading machines (except hand loading).

#### CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES

- (a) Launch vehicles, guided missiles, ballistic missiles, bombs, grenades, rockets, torpedoes, rocket torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps (see § 121.05).
- (b) Apparatus, devices, and materials for the handling, control, activation, detection, protection, discharge, or detonation of the articles in paragraph (a) of this Category (see § 121.06).
- (c) Missile and space vehicle powerplants.
- (d) Military explosive excavating devices.
- (e) Filament winding machines designed for or modified for the manufacture of structural forms, for articles in this Category.
- (f) All specifically designed components, parts, accessories, attachments, associated equipment, and specialized production equipment for the articles in this Category.

#### CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS

- (a) Propellants for the articles in Categories III and IV of this section (see § 121.09).
- (b) Military explosives (see § 121.10).
- (c) Military fuel thickeners (see § 121.11).
- (d) Military pyrotechnics.

#### CATEGORY VI—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

- (a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships (see § 121.12).
- (b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments, and accessories specifically designed for combatant vessels, including but not limited to, battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, minesweepers, and submarines.
- (c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments and accessories specifically designed therefor.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components thereof.

(e) Naval nuclear propulsion plants, their land prototypes and special facilities for their construction, support and maintenance, including any machinery, device, component, or equipment specifically developed or designed for use in such plants or facilities (see § 123.66).

#### CATEGORY VII—TANKS AND MILITARY VEHICLES

- (a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with, designed or modified to accommodate, mountings for arms or other specialized military equipment.
- (b) Military tanks, tank recovery vehicles, half-tracks and gun carriers.
- (c) Self-propelled guns and howitzers.
- (d) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.
- (e) Military recovery vehicles.
- (f) Amphibious vehicles (see § 121.07).
- (g) All specifically designed components, parts, accessories, attachments, and associated equipment, including military bridging and deep water fording kits for the articles in this Category.

#### CATEGORY VIII—AIRCRAFT, SPACECRAFT, AND ASSOCIATED EQUIPMENT

- (a) Aircraft including helicopters designed, modified or equipped for military purposes, including but not limited to the following: gunnery, bombing, rocket, or missile launching, electronic surveillance, reconnaissance, refueling, aerial mapping, military liaison, cargo carrying or droppings, personnel dropping, military trainers, drones, and lighter-than-air aircraft (see § 121.13).
- (b) Spacecraft including manned and unmanned, active and passive satellites.
- (c) Military aircraft engines, except reciprocating engines, and spacecraft engines specifically designed or modified for the aircraft and spacecraft in paragraphs (a) and (b) of this Category.
- (d) Airborne equipment, including but not limited to JATO units and airborne refueling equipment, specifically designed for use with the aircraft, spacecraft, and engines of the types in paragraphs (a), (b), and (c) of this Category.
- (e) Launching, arresting, and recovery equipment for the articles in paragraphs (a) and (b) of this Category.
- (f) Nonexpansive balloons in excess of 3,000 cubic feet capacity, except such types as are in normal sporting use.
- (g) Power supplies and energy sources specifically designed for spacecraft.
- (h) Components, parts, accessories, attachments, and associated equipment, including propellers and airfield matting, specifically designed or modified for the articles in paragraphs (a) through (g) of this Category.

<sup>2</sup> Applications for licensing the export of any such machinery device, component, or equipment, or technical data relating thereto, will not be granted if the proposed export does not come within the scope of an existing Agreement for Cooperation for Mutual Defense Purposes concluded pursuant to the Atomic Energy Act of 1954, as amended, with the government of the country to which the item will be exported; unless the license application involves an item (a) which is identical to that in use in an unclassified civilian nuclear powerplant, and its furnishing does not disclose its relationship to naval nuclear propulsion, and (b) which is not for use in a naval propulsion plant.



(i) Experimental or developmental aircraft components known to have a significant military application.

(j) Parachutes, except such types as are in normal sporting use, and complete canopies, harnesses, and platforms, and electronic release mechanisms therefor.

(k) Ground effect machines (GEMS), including surface effect machines and other air cushion vehicles, except such machines as are in normal commercial use, and all components, parts, accessories, attachments, and associated equipment specifically designed or modified for use with such machines.

(l) Inertial systems, and specifically designed components therefor, inherently capable of yielding accuracies of better than 2 to 4 nautical miles per hour c.e.p.

#### CATEGORY IX—MILITARY TRAINING EQUIPMENT

(a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, antisubmarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units, military type link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers and navigation trainers.

(b) Components, parts accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraph (a) of this Category.

#### CATEGORY X—PROTECTIVE PERSONNEL EQUIPMENT

(a) Military body armor (including armored vests), flak suits and components and parts specifically designed therefor; military helmets, including liners.

(b) Partial pressure suits, pressurized breathing equipment, military oxygen masks, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft (enumerated in Category VIII(a)), missiles, catapults, and cartridge-actuated devices utilized in emergency escape of personnel from aircraft (enumerated in Category VIII(a)).

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for use with the articles in paragraphs (a) and (b) of this Category.

#### CATEGORY XI—MILITARY AND SPACE ELECTRONICS

(a) Electronic equipment bearing a military designation including, but not limited to, the following items: Radar, active and passive countermeasures, counter countermeasures, underwater sound, computers, navigation, guidance, electronic fuzes, object-locating methods and means, displays that represent signals of military use, identification systems, missile and antimissile systems, telemetering and communications electronic equipment; and, regardless of designation, any experimental or developmental electronic equipment specifically designed or modified for military application.

(b) Electronic equipment specifically designed or modified for spacecraft and spaceflight.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for use or currently used with the equipment in paragraphs (a) and (b) of this Category, except such items as are in normal commercial use.

#### CATEGORY XII—FIRE CONTROL, RANGE FINDER, OPTICAL AND GUIDANCE AND CONTROL EQUIPMENTS

(a) Fire control; gun and missile tracking and guidance systems; military infrared, image intensifier and other night sighting

and night viewing equipment; military masers and military lasers; gun laying equipment; range, position and height finders and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, bombing computers, military television sighting and viewing units, inertial platforms; and periscopes for the articles of this section.

(b) Inertial and other weapons or space vehicle guidance and control systems; spacecraft guidance, control and stabilization systems; astro compasses; and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (a) and (b) of this Category, except such items as are in normal commercial use.

#### CATEGORY XIII—AUXILIARY MILITARY EQUIPMENT

(a) Aerial cameras, space cameras, special purpose military cameras, and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment, and specifically designed components therefor.

(b) Cryptographic devices (encoding and decoding), and specifically designed components therefor.

(c) Self-contained diving and underwater breathing apparatus designed for a military purpose and specifically designed components therefor.

(d) Armor plate.

(e) Concealment and deception equipment, including, but not limited to, special paints, decoys, and simulators, components, parts and accessories specifically designed therefor.

(f) Energy conversion devices for producing electrical energy from nuclear, thermal, or solar energy, or from chemical reaction, specifically designed or modified for military application.

(g) Chemiluminescent compounds and solid state devices specifically designed or modified for military application.

#### CATEGORY XIV—TOXICOLOGICAL AGENTS AND EQUIPMENT; RADIOLOGICAL EQUIPMENT

(a) Chemical agents, including lung irritants, vesicants, lacrimators, and tear gases, sternutators and irritant smokes, and nerve gases and incapacitating agents (see § 121.08).

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops and plants.

(c) Equipment for dissemination, detection, and identification of, and defense against the articles in paragraphs (a) and (b) of this Category (see § 123.52(a)).

(d) Nuclear radiation detection and measuring devices, except such devices as are in normal commercial use.

(e) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (c) and (d) of this Category.

#### CATEGORY XV—HELIUM GAS

Contained helium and admixtures thereof (see § 121.14 and § 123.61).

#### CATEGORY XVI—NUCLEAR WEAPONS DESIGN AND TEST EQUIPMENT<sup>1</sup>

(a) Any article, material, equipment, or device, which is specifically designed or specifically modified for use in the design, development, or fabrication of nuclear weapons or nuclear explosive devices.

(b) Any article, material, equipment, or device, which is specifically designed or spe-

cifically modified for use in the devising carrying out, or evaluating of nuclear weapons tests or any other nuclear explosions except such items as are in normal commercial use for other purposes.

#### CATEGORY XVII—CLASSIFIED ARTICLES

All articles including technical data relating thereto, not enumerated herein, containing information which is classified as requiring protection in the interests of national defense.

#### CATEGORY XVIII—TECHNICAL DATA

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war (see § 125.01 for definition and § 125.30 for exemptions. See also § 123.66).

#### CATEGORY XIX—MISCELLANEOUS ARTICLES

Any article and technical data relating thereto not enumerated herein having significant military applicability, determined by the Director, Office of Munitions Control, Department of State, in consultation with appropriate agencies of the Government and having the concurrence of the Department of Defense.

#### DEFINITIONS AND INTERPRETATIONS

##### § 121.02 Substantial transformation.

As used in § 123.03(c), the term "substantially transformed" shall refer to the reallocation of firearms abroad to accomplish the following changes:

(a) As applied to rifles and carbines, the changes must have included at least either (1) rechambering for a higher caliber or charge cartridge or (2) installation of a new action.

(b) As applied to pistols and revolvers, the changes must have included at least either (1) rechambering or (2) modification of the cylinder for the accommodation of a higher caliber or charge cartridge.

(c) Other changes, such as rebarreling, modification of stocks, or grips, rebluing, or replacing of sights, singly or together, are not sufficient to so substantially transform the weapons as to become, in effect, articles of foreign manufacture.

##### § 121.03 Firearms.

Rifles, carbines, revolvers, and pistols, to caliber .50 inclusive, are included under Category I(a). Machineguns, submachineguns, machine pistols, and fully automatic rifles to caliber .50 inclusive are included under Category I(b).

(a) As used in this subchapter, the term "firearm" denotes a weapon not over .50 caliber discharging bullets by an explosive force.

(b) A "rifle" is a shoulder firearm discharging bullets through a rifled barrel at least 16 inches in length, including combination and drilling guns.

(c) A "carbine" is a lightweight shoulder firearm with a short barrel, under 16 inches in length.

(d) A "pistol" is a hand operated firearm having a chamber integral with, or permanently aligned with, the bore.

(e) A "revolver" is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

(f) A "machinegun", "machine pistol", or "submachinegun" is a firearm origi-

<sup>1</sup> See § 123.66. See also Department of Commerce Export Regulations, 15 CFR 373.7.

nally designed to fire, or capable of being fired fully automatically by a single pull of the trigger.

#### § 121.04 Cartridge and shell casings.

Cartridge and shell casings are included under Category III of the U.S. Munitions List unless, prior to their exportation or importation, they have been rendered useless beyond the possibility of restoration for use for the purpose originally produced by means of excessive heating, flame treatment, mangling, crushing, cutting, or popping.

#### § 121.05 Military demolition blocks and blasting caps.

The term "military demolition blocks and blasting caps" does not include the following articles:

- (1) Electric squibs.
- (2) No. 6 and No. 8 blasting caps, including electric.
- (3) Delay electric blasting caps (including No. 6 and No. 8 millisecond).
- (4) Seismograph electric blasting caps (including SSS, Static-Master, Vibrocap SR, and SEISMO SR).
- (5) Oil well perforating devices.

#### § 121.06 Apparatus and devices under Category IV(b).

Category IV(b) includes inter alia the following: Fuzes and components thereof, bomb racks and shackles, bomb shackle releases units, bomb ejectors, torpedo tubes, torpedo and guided-missile boosters, guidance system materials (except those having a commercial application), launching racks and projectors, pistols (exploders), igniters, fuze-arming devices intervalometers, and components thereof, guided-missile launchers and specialized handling equipment, and hardened-missile launching facilities.

#### § 121.07 Amphibious vehicles.

As used in Category VII(f), the term "amphibious vehicles" includes, but is not limited to, automotive vehicles or chassis embodying all-wheel drive and equipped to meet special military requirements, with adaptation features for deep-water fording and sealed electrical systems.

#### § 121.08 Chemical agents.

(See Category XIV(a).)

A chemical agent is a substance useful in war which, by its ordinary and direct chemical action, produces a powerful physiological effect. The term "chemical agents" includes but is not limited to the following chemical compounds:

1. Lung irritants:
  - (a) Diphenylcyanarsine (DC).
  - (b) Fluorine (but not fluorene).
  - (c) Trichloronitro methane (Chlorpicrin, PS).
2. Vesicants:
  - (a) B Chlorvinylidichlorarsine (Lewisite, L).
  - (b) Bisdichloroethyl sulphide (Mustard gas, HD or H).
  - (c) Ethyldichlorarsine (ED).
  - (d) Methyldichloroarsine (MD).
3. Lacrimators and tear gases:
  - (a) Brombenzylcyanide (BBC).
  - (b) Chloroacetophenone (CE).
  - (c) Dibromodimethyl ether.

- (d) Dichlorodimethyl ether (CICl).
- (e) Ethyldibromoarsine.
- (f) Phenylcarbylamine chloride.
- (g) Tear gas solutions (CNB and CNS).
- (h) Tear gas orthochlorobenzalmononitrile (CS).
4. Sternutators and irritant smokes:
  - (a) Diphenylaminechlorarsine (Adam-site, DM).
  - (b) Diphenylchlorarsine (BA).
5. Nerve gases. These are toxic compounds which affect the nervous system, such as:
  - (a) Dimethylaminoethoxycyanophosphine oxide (GA).
  - (b) Methylisopropoxyfluorophosphine oxide (GB).
  - (c) Methylpinacolyloxyfluorophosphine oxide (GD).
6. Antiplant chemicals:
  - (a) Butyl, 2,4-dichlorophenoxyacetate (LNA).
  - (b) 2,4,5-trichlorophenoxyacetate (LNB).
  - (c) Butyl 2-chloro-4-fluorophenoxyacetate (LNF).

#### § 121.09 Propellants.

The term "propellants" includes but is not limited to the following:

- (1) Propellant powders including smokeless shotgun powder.
- (2) Hydrazine (including Monomethyl hydrazine and symmetrical dimethyl hydrazine but excluding hydrazine hydrate).
- (3) Unsymmetrical dimethylhydrazine.
- (4) Hydrogen peroxide over 85 percent concentration.
- (5) Nitroguanidine or picrite.
- (6) Nitrocellulose with nitrogen content of over 12.20 percent.
- (7) Other solid propellant compositions, including but not limited to the following:
  - (a) Single base (nitrocellulose).
  - (b) Double base (nitrocellulose, nitroglycerin).
  - (c) Triple base (nitrocellulose, nitroglycerin, nitroguanidine).
  - (d) Composite of nitroglycerin, ammonium perchlorate, potassium perchlorate, nitronium perchlorate, guanidine (guanidinium) perchlorate, nitrogen tetroxide, ammonium nitrate or nitrocellulose with plastics, metal fuels, or rubbers added; and compounds composed only of fluorine and one or more of the following: Other halogens, oxygen, or nitrogen.
- (e) Special purpose chemical base high energy solid military fuels.
- (8) Other liquid propellant compositions, including but not limited to the following:
  - (a) Monopropellants (hydrazine, hydrazine nitrate, and water).
  - (b) Bipropellants (hydrazine, fuming nitric acid (HNO<sub>3</sub>)).
  - (c) Special purpose chemical base high energy liquid military fuels, and oxidizers.

#### § 121.10 Military explosives.

The term "military explosives" includes, but is not limited to, the following:

- (a) Ammonium picrate.
- (b) Black sode powder.
- (c) Cyclotetramethylene - tetranitramine (HMX).
- (d) Cyclotrimethylene-trinitramine (RDX, Cyclonite, Hexogen or T4).
- (e) Dinitronaphthalene.
- (f) Ethylenedinitramine.
- (g) Hexanitrodiphenylamine.
- (h) Nitroglycerin.
- (i) Nitroestarch.
- (j) Pentaerythritol tetranitrate (penthrate, pentrite or PETN).
- (k) Potassium nitrate powder.
- (l) Tetranitronaphthalene.
- (m) Trinitroanisole.

- (n) Trinitronaphthalene.
- (o) Trinitrophenol (picric acid).
- (p) Trinitrophenylmethyl-nitramine (Tetryl).
- (q) Trinitrotoluene (TNT).
- (r) Trinitroxyline.
- (s) Ammonium perchlorate nitrocellulose (military grade).
- (t) Any combinations of the above.

#### § 121.11 Military fuel thickeners.

The term "military fuel thickeners" includes: compounds (e.g., octal), or mixtures of such compounds (e.g., napalm) specifically formulated for the purpose of producing materials which, when added to petroleum products, provide a gel-type incendiary material for use in bombs, projectiles, flame throwers or other implements of war.

#### § 121.12 Vessels of war and special naval equipment.

(See Category VI.)

The term "vessels of war" includes, but is not limited to, the following:

- (a) Combatant:
  - (1) Warships (including nuclear-powered versions):
    - Aircraft carriers (CVA, CVE, CVHE, OVL, CVS).
    - Battleships (BB, BBG).
    - Command ships (CBC, CLC).
    - Cruisers (CA, CAG, CB, CG, CL, CLAA, CLG).
    - Destroyers (DD, DDC, DDE, DDG, DDR, DL, DLG).
    - Submarines (SS, SSB, SSG, SSK, SSR).
  - (2) Amphibious warfare vessels:
    - Amphibious assault ship (LPH).
    - Amphibious force flagship (AGC).
    - Assault helicopter aircraft carrier (CVHA).
    - Attack cargo ship (AKA).
    - Control escort vessel (DEC).
    - Cargo submarine (AK (SS)).
    - Inshore fire support ship (IFS).
    - Landing ships (LSD, LSSP, LSIL, LSM, LSMR, LSSL, LST).
    - Transport submarine (AP(SS)).
    - Transports (APA, APD).
  - (3) Landing craft (LCC, LCM, LCP, LCR, LCS, LCU, LCV, LCVF).
  - (4) Landing vehicle, tracked (LVT).
  - (5) Mine warfare vessels:
    - Mine hunter, coastal (MHC).
    - Mine countermeasures support ship (MCS).
    - Minelayers (DM, MMA, MMC, MMF).
    - Minesweepers (DMS, MSC, MSC(O), MSF, MSO, MSI, MSB, MSA, YMS, MSL, Ub/MS).
  - (6) Patrol vessels:
    - Escort vessels (DE, DER, PCS, PCER, PF, DEG).
    - Gunboats (PCM, PR).
    - Submarine chasers (PC, PCS, SC).
    - Yacht (PY).
  - (b) Auxiliary vessels and service craft:
    - (1) Advanced aviation base ship (AVB).
    - (2) Auxiliary submarine (AG(SS)).
    - (3) Cable repairing or laying ship (ARC).
    - (4) Degaussing vessel (ABG).
    - (5) Distilling ship (AW).
    - (6) Drone aircraft catapult control craft (YV).
    - (7) Floating dry docks, cranes, and associated workshops and lighters (AFDB, AFDL, AFDM, ARD, YD, YFD, YFMD, YR, YRDM, YRDM, YHL, YSD).
    - (8) Floating pile driver (YPD).
    - (9) Guided-missile ship (AVM).
    - (10) Harbor utility craft (YFU).
    - (11) Icebreaker (AGB).
    - (12) Logistic support ships (AE, AF, AK, AKS, AO, ACE, AOG, AOR, AO(SS), AVS).
    - (13) Miscellaneous auxiliary (AG, IX, YAG).
    - (14) Miscellaneous cargo ships (AKD, AKL, AKV, AVT).



(15) Naval barges and lighters (YC, YCF, YCK, YCV, YF, YFB, YFN, YFNS, YFNX, YFF, YFR, YFRN, YFRT, YFT, YG, YGN, YO, YOG, YOGN, YON, YOS, YSR, YTT, YW, YWN).

(16) Net laying and tending ships (AKN, AN, YNG).

(17) Oceanographic research ship (AGOR).

(18) Patrol craft (PT, YP).

(19) Repair, salvage, and rescue vessels (AR, ARB, ARG, ARL, ARS, ARSD, ARV, ARVA, ARVE, ASR).

(20) Survey ships (AGS, AGSC).

(21) Target and training submarine (SST).

(22) Tenders (AD, AGP, ARST, AS, AV, AVP, YDT).

(23) Transports and barracks vessels (AP, APB, APC, APL, YHB, YRB, YRBM).

(24) Tugs (ATA, ATF, ATR, YTB, YTL, YTM).

(25) Dredge (YM).

(26) Ocean radar picket ship (AGR).

(27) Submersible craft (X).

(28) Utility aircraft carrier (CVU).

(c) Coast Guard patrol and service vessels and craft:

(1) Submarine repair and berthing barge (YRB).

(2) Labor transportation barracks ship (APL).

(3) Coast Guard cutter (CGC).

(4) Gunboat (WPG).

(5) Patrol Craft (WPC, WSC).

(6) Seaplane tender (WAVP).

(7) Icebreaker (WAGB).

(8) Cargo ship (WAK).

(9) Buoy tenders and boats (WAGE, WD).

(10) Cable layer (WARC).

(11) Lightship (WAL).

(12) Coast Guard tugs (WAT, WXT).

(13) Radio ship (WAGR).

(14) Special vessel (WIX).

(15) Auxiliary vessels (WAG, WAGE).

(16) Other Coast Guard patrol or rescue craft (i) of over 300 horsepower when equipped with a gas turbine engine or engines, and (ii) of over 600 horsepower when equipped with an engine or engines of the internal combustion, reciprocating type.

(d) Air Force craft: Air Force rescue boat.

(e) Army vessels and craft:

(1) Transportation Corps tug: 100 ft. (LT), 65 ft. (ST), T-boat, Q-boat, J-boat, E-boat.

(2) Barges (BG, BC, BR, BSP, BSPI, BKI, BCF, BBL, BARC, BK).

(3) Cranes, floating (BD).

(4) Drydock, floating (FDL).

(5) Repair ship, floating (FMS).

(6) Trainer, amphibious 20-ton wheeled tow boat, inland waterway (LTI, STI).

#### § 121.13 Aircraft and related articles.

(a) The term "aircraft" used in Category VIII of the U.S. Munitions List means aircraft designed, modified, or equipped for military purpose as specified in Category VIII, including so-called "demilitarized" aircraft. The exportation and importation of such aircraft are subject to the licensing requirements of the Department of State.

(b) Regardless of "demilitarization," all aircraft bearing an original military designation (including those with cargo or "C" designators such as the C-45, C-46, C-47, and C-54) are included in Category VIII of the U.S. Munitions List.

#### § 121.14 Helium gas.

The word "helium" shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The term "contained helium" means the

actual quantity of the element helium (i.e., 100 percent pure helium) in terms of cubic feet present in a mixture of helium and other gases. Purity determination shall be made by usually recognized methods.

#### § 121.15 Forgings, castings, and machined bodies.

Items in a partially completed state, such as forgings, castings, extrusions, and machined bodies of any of the articles enumerated in the U.S. Munitions List which have reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are considered to be such articles for the purposes of section 414 of the Mutual Security Act, as amended.

#### § 121.16 "United States."

For purposes of this subchapter the term "United States," when used in the geographical sense, includes the several States, the insular possessions of the United States, the Canal Zone, the District of Columbia, and any territory over which the United States exercises all and any powers of administration, legislation, and jurisdiction.

#### § 121.17 Person.

For the purposes of this subchapter the term "Person" includes a partnership, company, association, or corporation, as well as a natural person.

### PART 122—REGISTRATION

Sec.

122.01 Registration requirements.

122.02 Application for registration.

122.03 Refund of fee.

122.04 Notification of changes in information furnished by registrants.

122.05 Maintenance of records by persons required to register as manufacturers, importers or exporters of U.S. Munitions List articles.

**AUTHORITY:** The provisions of this Part 122 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10468; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231.

#### § 122.01 Registration requirements.

(a) Persons engaged in the business, in the United States, of manufacturing, exporting, or importing articles enumerated in the U.S. Munitions List are required to register with the Secretary of State. Manufacturers, whether or not they engage in export or import, are required by law to register.

(b) The fabrication of arms, ammunition, and implements of war for experimental or scientific purposes, including research and development, is not considered as manufacture for the purposes of section 414 of the Mutual Security Act of 1954, as amended.<sup>1</sup>

(c) Registration is not required of persons whose pertinent business activities are confined to the production, exportation, and importation of unclassified technical data relating to arms, ammunition, and implements of war.

<sup>1</sup> Registration is not required of persons whose entire export activity is subject to license under the provisions of the Atomic Energy Act of 1954, as amended.

#### § 122.02 Application for registration.

(a) Applications for registration shall be submitted to the Secretary of State on form DSP-9 and shall be accompanied by a registration fee in the form of money order or check payable to the Department of State.

(b) Registration may be effected for periods of 1 or 2 years upon payment of a fee of \$75 and \$150 respectively, at the option of the registrant.

#### § 122.03 Refund of fee.

When a 2-year registration fee is paid, a refund for an unused year may be granted, if warranted by reason of changed conditions or new facts developed subsequent to registration. A refund for part of a year, however, will not be granted.

#### § 122.04 Notification of changes in information furnished by registrants.

Registered persons shall notify the Secretary of State of significant changes in the information set forth in their applications for registration, such as the establishment of a foreign affiliate.

#### § 122.05 Maintenance of records by persons required to register as manufacturers, importers or exporters of U.S. Munitions List articles.

(a) Persons required to register shall maintain for a period of 6 years, subject to the inspection of the Secretary of State or any person designated by him, records bearing on U.S. Munitions List articles, including records concerning the acquisition and disposition of such articles by the registrant. The Secretary may prescribe a longer or shorter period in individual cases as he deems necessary.

(b) Officers of the Office of Security and the Office of Munitions Control of the Department of State and of the U.S. Customs Agency Service, Bureau of Customs, Treasury Department, are hereby designated as the representatives of the Secretary of State for the purposes of this section.

### PART 123—LICENSING CONTROLS

#### LICENSE PROCEDURES

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## SPECIAL EMERGENCY PROVISIONS

- 123.70 Temporary suspension or modification of the regulations of this subchapter.

**AUTHORITY:** The provisions of this Part 123 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 106, E.O. 10973, 26 F.R. 10469; sec. 6 departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redesignation of Authority No. 104-3-A, 28 F.R. 7231.

## LICENSE PROCEDURES

§ 123.01 Application for license.<sup>1</sup>

Persons who intend to export from or import into the United States any of the articles enumerated in the U.S. Munitions List shall make application to the Office of Munitions Control, Department of State, Washington, D.C. 20520, on form DSP-5 in the case of exports and DSP-38 in the case of imports. Application for intransit license shall be made on form DSP-61. Application for license to export technical data shall also be made on form DSP-5 (see Part 125 of this chapter).

## § 123.02 Export license.

Articles on the U.S. Munitions List may not be exported from the United States until a license has been issued, or unless covered by an exemption provision of this subchapter. Prior to the issuance of an export license, the Department of State may also require documentary information pertinent to the proposed transaction.

## § 123.03 Import license.

(a) Articles on the U.S. Munitions List may not be imported into the United States until a license has been issued, or unless covered by an exemption provision of this subchapter. Prior to the issuance of an import license, the Department of State may require documentary information pertinent to the proposed transaction.

(b) No military firearms or ammunition of U.S. manufacture may be imported for sale in the United States if such articles were furnished to foreign governments under a U.S. foreign assistance program. This prohibition is appli-

cable to military firearms and ammunition furnished on a grant basis to, or for which payment in full was not made by, a foreign government under the Lend-Lease Act of 1941, as amended; the Greek-Turkish Aid Act of 1947, as amended; the China Aid Act of 1948, as amended; the Mutual Defense Assistance Act of 1949, as amended; the Mutual Security Act of 1951, as amended; the Mutual Security Act of 1954, as amended; the Foreign Assistance Act of 1961, as amended; or any other foreign assistance program of the United States.

(c) The above restriction covers firearms which are advanced in value or improved in condition in a foreign country, but it does not include those which have been so substantially transformed as to become, in effect, articles of foreign manufacture (see § 121.02).

(d) A person desiring to import military firearms and ammunition which were manufactured in the United States must certify that the importation of such firearms or ammunition is not prohibited by the provision of paragraph (b) of this section, and that none of the firearms or ammunition being imported was furnished on a grant basis to, or was acquired without full payment by, a foreign government under a foreign assistance program of the United States as set forth in paragraph (b) of this section. The certification statement must be accompanied by documentary information on the original foreign source of the material.

**NOTE:** For the purpose of this section, the term "military firearms and ammunition" includes all firearms and ammunition furnished under the foreign assistance programs of the United States as set forth in paragraph (b) of this section. The term "payment in full" as used in paragraph (b) of this section, means the payment of a sale price established by the U.S. Government as the full value of the property at the time of initial transfer.

## § 123.04 Intransit license.

An intransit license must be obtained prior to the entry of any article enumerated in the U.S. Munitions List into the United States for transshipment to a third country (see also § 123.60).

## § 123.05 Validity and terms of licenses.

(a) Licenses are valid for 6 months from their issuance date unless a different period of validity is stated thereon. They are not transferable.

(b) The period of validity of licenses may not be extended. If shipment cannot be completed during the period of validity of the license, another application must be submitted for license to cover the unshipped balance. Such an application shall make specific reference to the previous license and should not include any materials other than the unshipped balance.

(c) Upon request by the applicant, licenses for the exportation of technical data as defined in § 125.01 may be issued for a validity period of 1 year.

## § 123.06 License denial, revocation or suspension.

(a) Licenses may be denied, revoked, suspended, or revised by the Department

of State without prior notice whenever the Department deems such action to be advisable in furtherance of (1) world peace; (2) the security of the United States; (3) the foreign policy of the United States; or (4) whenever the Department has reason to believe section 414 of the Mutual Security Act of 1954, as amended, or any regulation contained in this subchapter has been violated.

(b) Whenever, after appropriate consideration, a license application is denied, or an outstanding license is revoked, suspended, or revised, the applicant or licensee shall be advised promptly in writing of the Department's decision, and the reasons therefor as specifically as security and foreign relations considerations permit.

(c) Upon written request made within 30 days after receipt of an adverse decision, the applicant or licensee shall be accorded an opportunity to present additional information and a full review of his case by the Department.

(d) Unused, expired, suspended, or revoked licenses must be returned immediately to the Department of State.

## § 123.07 Amendments and alterations.

No amendments or alteration of a license may be made except by the Department of State, or by collectors of customs or postmasters when specifically authorized to do so by the Department of State. No photographic or other copy may be made of an original license unless authorized by the Department of State.

## § 123.08 Ports of exit or entry.

Applications for license shall show the proposed port or ports of exit or entry in the United States. If, subsequent to the issuance of a license, shipping arrangements necessitate a change in port, the Department of State must be notified by letter of the change in port.

## § 123.09 Licenses filed with collectors of customs.

(a) Prior to exportation or importation, licenses shall be filed with the collector of customs at the port through which the shipment is being made, except for exports by mail (see § 123.10). A Shipper's Export Declaration (U.S. Department of Commerce form 7525-V) must also be filed with, and authenticated by, the collector of customs before the articles are exported. The collector of customs shall endorse each license to reflect shipments made. Licenses must be returned by the collector to the Department of State upon expiration of the validity period, or upon completion of the shipment of the articles licensed whichever first occurs.

(b) Collectors of Customs are authorized to permit the exportation or importation of articles identified on an issued license where the total value at the time of shipment does not exceed by more than ten (10) percent that stated on the license.

## § 123.10 Shipment by mail.

(a) Export licenses for U.S. Munitions List articles, except technical data (see

<sup>1</sup> The procedures governing the export of classified information or equipment are outlined in Part 125.

§§ 125.40 and 125.41), which are being transported by mail shall be filed with the postmaster at the post office where the articles are mailed. A Shipper's Export Declaration (U.S. Department of Commerce form 7525-V) must also be filed with, and authenticated by, the postmaster before the articles are exported. The postmaster shall endorse each license to reflect shipments made. Licenses must be returned by the postmaster to the Department of State upon expiration of the validity period, or upon completion of the shipment, whichever first occurs.

(b) Licenses covering imports by mail shall be filed with the collectors of customs at the port of entry.

**§ 123.11 Foreign trade zones.**

A Foreign Trade Zone of the United States is considered an integral part of the United States for the purpose of this subchapter and as such, a license is not required for shipments between the United States and a Foreign Trade Zone. However, a license is required for all other shipments of U.S. Munitions List articles to and from such Foreign Trade Zones.

**§ 123.12 Export to warehouses or distribution points.**

Applications for license to export U.S. Munitions List articles to warehouses or distribution points for subsequent resale will be considered by the Department. Licenses issued for such applications will normally contain conditions for special distribution controls and reporting.

**§ 123.13 Export of vessels of war.**

(a) The transfer of a vessel of war as defined by § 121.12 of this subchapter from United States to foreign registry is considered an exportation for which an approval or license from the Department of State is required. If the vessel to be exported is physically located in the United States, an export license must be obtained. If the vessel is located abroad, the Department's written approval in the form of a letter must be obtained prior to its transfer of registry.

(b) The registration under a foreign flag of an undocumented vessel of war located in the United States is considered an exportation for which a license is required from the Department of State.

NOTE: Such transactions also require the prior approval of the Maritime Administration (see 46 U.S.C. 808 and 835).

**§ 123.14 Repairs or alterations of vessels and aircraft.**

Persons effecting repairs or alterations on foreign vessels of war as defined in § 121.12, and foreign aircraft as defined in § 121.13, in the United States shall obtain an export license for articles enumerated in the U.S. Munitions List which are required in connection with such repairs or alterations. The entry of such a vessel or aircraft into the United States for the purpose of repairs or alterations is considered an importation for which an import license from the Department of State is required. The exit of such a

vessel or aircraft likewise requires an export license from the Department of State.

**COUNTRY OF DESTINATION**

**§ 123.21 Country of ultimate destination.**

(a) The country designated on an application for export license as the country of ultimate destination must be the country wherein the articles being exported ultimately are to receive end use, even though incorporated through an intermediate process into other end items.

(b) The prior written approval of the Department of State must be obtained before U.S. Munitions List articles previously exported from this country under license may be resold, diverted, transferred, transhipped, reshipped, or re-exported to, or used in any country other than that described on the export license as the country of ultimate destination.

(c) The following statement shall be entered on the shipper's export declaration, the bill of lading and the invoice, whenever U.S. Munitions List articles are to be exported: "These commodities are licensed by the U.S. Government for export to \_\_\_\_\_ (Country of ultimate destination)"

Diversion contrary to U.S. law prohibited." The U.S. exporter shall have the responsibility of entering such a statement. This responsibility continues even when the exporter acts through a freight forwarder or other forwarding agent.

**§ 123.22 Shipments to or from certain countries.**

The policy of the Department of State is to deny license applications for U.S. Munitions List Articles destined for or originating in Albania, Bulgaria, Communist China, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland, Rumania, Union of Soviet Socialist Republics, any of the area of Viet-Nam which is under de facto Communist control, or any other area which is from time to time determined by the Department of State to be under Communist control. The exemptions provided by this part do not apply to shipments destined for or originating in any of the foregoing countries or areas.

**§ 123.23 Canadian shipments.\***

Collectors of custom may release shipments of arms, ammunition, and implements of war which do not bear a military security classification to or from Canada without a license with the following exceptions:

(a) Intransit shipments through the United States to or from Canada or intransit shipments through Canada to or from the United States.

(b) No military firearms or ammunition of U.S. manufacture may be imported for sale in the United States except in compliance with § 123.03.

(c) The following articles require a license for export to Canada:

(1) Hellum gas as defined in Category XV;

(2) Nuclear Weapons Design and Test Equipment as defined in Category XVI;

(3) Naval nuclear propulsion items as defined in Category VI(e); and

(4) Nuclear weapons strategic delivery systems and all specifically designed components, parts, accessories, attachments, and associated equipment therefor (see § 125.32).

(d) The following articles require a license for import from Canada:

(1) Firearms as defined in Category I except firearms of Canadian manufacture; and

(2) Ammunition for firearms in Category I (a) and (b) except ammunition of Canadian manufacture.

**§ 123.24 U.S. possessions and the Canal Zone.**

Export and import licensing controls do not apply to shipments between the United States, U.S. possessions, and the Canal Zone. Licenses are required, however, for shipments between such areas and foreign countries.

**§ 123.25 Domestic aircraft shipments via foreign ports.**

A written statement must be filed by the pilot with the collector of customs at the port of exit for airborne shipments of arms, ammunition, and implements of war being transported from a port in the United States to another U.S. port via a foreign country other than Canada. The original of the statement shall be filed with the collector at the port of exit and a duplicate thereof filed with the collector at the port of reentry, for endorsement by him and transmission to the collector at the port of exit. The content of the statement shall be as follows:

**STATEMENT**

**DOMESTIC SHIPMENTS VIA FOREIGN PORTS OF ARTICLES ON U.S. MUNITIONS LIST**

The undersigned certifies that the articles listed below are being shipped from \_\_\_\_\_ via \_\_\_\_\_

(U.S. port of exit) (Foreign port) and that the final destination is \_\_\_\_\_

(U.S. port of entry)

Amount	Description of article	Value
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Signed: \_\_\_\_\_

Endorsement: Customs Inspector.

Port of exit \_\_\_\_\_ Date: \_\_\_\_\_

Endorsement: Customs Inspector.

Port of entry \_\_\_\_\_ Date: \_\_\_\_\_

**§ 123.26 Import certificate/delivery verification procedure.**

(IC/DV) General. The United States and a number of foreign countries have agreed on a procedure designed to assure that certain articles imported into their territories will not be diverted, transhipped, or reexported to another destination except in accordance with export control regulations of the importing

\* The exemption from import licensing requirements for Canadian manufactured Category I firearms does not apply to firearms which include any of the following major components of non-Canadian manufacture: Barrels, cylinders, receivers (frames), or complete breech mechanisms.



country. The procedure covered by such agreement is known as the Import Certificate/Delivery Verification Procedure (IC/DV) and may be invoked with respect to articles on the U.S. Munitions List.

(a) *Exports.* As a supplement to normal control procedures, the Department may utilize the IC/DV procedure on proposed exports of Munitions List articles to nongovernment entities in the following countries: Austria, Belgium, Denmark, France, Federal Republic of Germany, Greece, Hong Kong, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom. In each case in which the Department invokes the IC/DV procedure, U.S. exporters will be required to submit, in addition to an export license application (a completed form DSP-5), the original Import Certificate authenticated by the government of the importing country. This document will serve as evidence that the foreign importer has complied with the import regulations of the government of the importing country and that he has declared his intentions not to divert, transship or reexport the material described therein without prior approval of that government. After delivery of the articles to the foreign consignee, the Department may also require U.S. exporters to furnish documentation (Delivery Verification) from the government of the importing country attesting to the delivery in accordance with the terms of the approved export license. Both the Import Certificate and the Delivery Verification will be obtained and furnished to the U.S. exporter by the foreign importer.

(b) *Imports.* Participating foreign governments may also invoke the IC/DV procedure on Munitions List articles imported into the United States. In each case in which a foreign government invokes the IC/DV procedure, the Department will certify for the U.S. importer a "Declaration of Destination on Foreign Exports of Munitions List Items" (completed form DSP-53). Normally, the U.S. importer will submit this form to the Department at the time he applies for an import license. This document (the Department's equivalent of the "Import Certificate" cited above), will serve as evidence to the government of the exporting country that the U.S. importer has complied with import regulations of the U.S. Government and is prohibited from diverting, transshipping, or reexporting the material described therein without the approval of the U.S. Government. Foreign governments may also require documentation attesting to the delivery of the material into the United States. When such delivery certification is requested by a foreign government, the U.S. importer may obtain directly from the U.S. collector of customs the authenticated Delivery Verification (form FC-908/DSP-68) for this purpose.

(c) *Triangular transaction.* When a transaction involves three or more countries, internationally participating governments may stamp a triangular symbol

on the "Import Certificate." This symbol is usually placed on the "Import Certificate" when the applicant for the "Import Certificate" (the importer) has stated either (1) he is uncertain whether the items covered by the "Import Certificate" will be imported into the country issuing the "Import Certificate;" (2) that he knows that the items will not be imported into the country issuing the "Import Certificate;" or (3) that, if the items are to be imported into the country issuing the "Import Certificate," they will subsequently be reexported to another destination. Consequently, it is possible that the ultimate consignee and the country of ultimate destination will not coincide with that of the importer. All parties, including the ultimate consignee in the true country of ultimate destination will be shown on the completed form DSP-53. When a U.S. importer is a principal to a triangular transaction involving articles on the U.S. Munitions List, he may receive a triangular symbol on the completed form DSP-53.

#### SHIPMENTS BY THE U.S. GOVERNMENT

##### § 123.40 Shipment by the U.S. Government.

The exportation or importation of arms, ammunition, and implements of war by the U.S. Government is not subject to the provisions of section 414 of the Mutual Security Act of 1954, as amended. A license to import and export such articles is not required, therefore, when all aspects of the transaction are handled by a U.S. Government agency. A license is required, however, when a private individual or firm or forwarding agent is involved in any aspect of the transaction unless the consignor, consignee, and intermediate consignee (if any) are agencies of the U.S. Government and the exportation or importation is covered by a U.S. Government Bill of Lading. This section does not authorize any government agency to export or import any items listed in § 121.01 which are subject to restrictions by reason of other statutory provisions.

#### EXEMPTIONS FOR ARMS AND AMMUNITION SHIPMENTS

##### § 123.51 Obsolete small arms.

Subject to the provisions of § 123.03 (b), collectors of customs are authorized to permit the importation or exportation, without a license, of firearms covered by Category I(a) of the U.S. Munitions List, which were manufactured prior to 1898, on presentation of satisfactory evidence of age.

##### § 123.52 Arms and ammunition for personal use.

(a) Subject to the provisions of §§ 123.22 and 123.23, Collectors of Customs are authorized to permit, after declaration by the individual and inspection by a customs officer, not more than three nonautomatic firearms and not more than 1,000 cartridges therefor, to enter the United States or depart therefrom without a license, when these firearms are on the person of an individual

or with his baggage or effects, whether accompanied or unaccompanied, and are intended exclusively for his personal use for sporting or scientific purposes or for personal protection and not for resale. This exemption shall extend to not more than three tear gas guns or other type hand dispensers and not more than 100 gas cartridges therefor. The foregoing exemption is not applicable to crewmembers of vessels or aircraft.

(b) Subject to the provisions of §§ 123.22 and 123.23, collectors of customs are authorized to permit the exportation, without a license, of ammunition for firearms, provided the quantity does not exceed 1,000 rounds in any shipment and the ammunition is for the personal use of the consignee and not for resale. A license is required, however, for exportation to Bahrain, Kuwait, Qatar, the Trucial States, Muscat, Oman, and the Republic of South Africa.

##### § 123.53 Arms for the personal use of members of the Armed Forces.

(a) Collectors of customs are authorized to permit members of the U.S. Armed Forces or U.S. civilian personnel employed by those forces to ship or bring into the United States, without license, nonautomatic firearms and ammunition therefor, upon presentation of written authorization from their commanding officer, which authorization shall include a certification that such firearms are bona fide war trophies or war souvenirs.

(b) Collectors of customs are authorized to permit Category I(a) firearms and parts for such weapons to leave the United States without a license, provided they are consigned to servicemen's clubs overseas or to individual members of the Armed Forces of the United States, and are accompanied by a written authorization from the commanding officer.

##### § 123.54 Sample shipments.

Collectors of customs are authorized to permit up to an inclusive total of three rifles, carbines (excluding automatic and semiautomatic models), revolvers and pistols to be exported or imported without a license, providing the articles being shipped are not for sale and will be returned to the same exporter or importer. Collectors of customs may also permit the exportation and importation of such sample weapons, without a license, when they are being returned to their owner.

##### § 123.55 Minor components.

Collectors of Customs are authorized to permit the importation or exportation without a license of shipments of components and parts for Category I(a) firearms, except barrels, cylinders, receivers (frames) or complete breech mechanisms, when the total value does not exceed \$100 in any single transaction.

#### MISCELLANEOUS EXEMPTIONS

##### § 123.60 Border shipments and shipments transiting Panama Canal.

Shipments originating in Canada or Mexico which incidentally transit the United States en route to a delivery point in the country of origin are exempt from the requirement of an intratransit license.

Vessels transiting the Panama Canal without off-loading cargo are exempt from the requirement of an intransit license.

**§ 123.61 Certain helium gas exports.**

Subject to the provisions of § 123.22, collectors of customs are authorized to permit the exportation or importation, without a license, of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases, provided that the gas is intended for medical use and shipment does not exceed 10 cubic feet of "contained helium" to any consignee.

**§ 123.62 Propellants and explosives.**

Subject to the provisions of § 123.22, collectors of customs are authorized to permit the exportation, without a license, of propellants and explosives for non-explosive uses such as medical uses and laboratory tests. Such shipments must be clearly marked as to content, include no materials classified from a military security point of view, and weigh no more than 25 pounds.

**§ 123.63 Smokeless shotgun powder.**

Collectors of customs are authorized to permit the importation of smokeless shotgun powder without a license (see Category V of the U.S. Munitions List).

**§ 123.64 Privately owned military aircraft on temporary sojourn abroad.**

(a) A certificate of temporary sojourn may be issued by the Department in appropriate instances in lieu of an export license to authorize the departure of privately owned military aircraft from the United States for a temporary sojourn abroad not to exceed 6 months' duration. The Department may require documentary evidence pertinent to the aircraft or proposed sojourn before issuance of a certificate of temporary sojourn.

(b) Private owners of military aircraft to be flown or shipped from the United States under the provisions of paragraph (a) of this section shall complete and submit a request for a certificate of temporary sojourn, form DSP-73, in triplicate to the Department for its approval.

(c) An original and duplicate copy of the certificate of temporary sojourn issued by the Department must be presented to the collector of customs at the port of departure. The certificate is for endorsement by the collector provided he finds no discrepancy in the statements made therein. The endorsed certificate shall be returned to the pilot and carried on the aircraft as evidence that the required permission has been granted and the duplicate retained by the collector for his records pending the completion of the temporary sojourn. The pilot or operator is required to depart from the United States at an airport where a customs officer is available for outward endorsement on the certificate. The outward clearance cannot be obtained by telephone or other informal means.

(d) Upon completion of the temporary sojourn, the certification shall be surrendered to the collector of customs at the port of entry. If the ports of entry

and departure differ, the customs officer shall forward the surrendered certificate, properly endorsed, to the customs authorities at the original port of departure. The completed certificate must be returned to the Department.

(e) The Department may permit a privately owned military aircraft to make a series of flights to and from the United States under a certificate of temporary sojourn not to exceed 6 months' duration. Full details of the proposed flights must be given.

(f) The dates of actual departure and entry shall be noted on the reverse side of the certificate and endorsed by appropriate customs officials. No action is to be taken on the copy of the certificate which is returned to the original port of exit until the pilot's copy of the certificate is taken up by the customs officer upon his last entry into the United States prior to the expiration of the authorized period.

(g) Requests for extension of a certificate of temporary sojourn must be submitted to the Department of State on a new application form (DSP-73) reflecting the original port of departure.

**§ 123.65 Nuclear materials.**

To the extent that articles or technical data, the export of which is controlled by the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, are coextensive with articles or technical data in Category VI(e), Category XVI, and Category XVIII, this subchapter shall not apply.

**SPECIAL EMERGENCY PROVISIONS**

**§ 123.70 Temporary suspension or modification of the regulations of this subchapter.**

The Director, Office of Munitions Control, Department of State, is authorized to order the temporary suspension or modification of any or all of the regulations of this subchapter in the interest of furthering the objectives of world peace and the security and foreign policy of the United States.

**PART 124—LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS**

- Sec.  
124.01 Manufacturing license agreements.  
124.02 Technical assistance agreements.  
124.03 Exportation of technical data in furtherance of an agreement.  
124.04 Required information in agreements.

**AUTHORITY:** The provisions of this Part 124 issued under sec. 414, as amended, 68 Stat. 848, 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10489; sec. 8, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 7231.

**§ 124.01 Manufacturing license agreements.<sup>1</sup>**

Agreements between persons or companies in the United States and foreign

<sup>1</sup> Agreements should be submitted to the Department of State under cover of a letter and not on Export Application Form DSP-5. The letter of transmittal should set forth detailed information concerning the agreement, including all the information required by § 124.04 which is not otherwise required to be included in the agreement.

persons, or entities, private or governmental, for the manufacture abroad of articles designated as arms, ammunition, and implements of war, are required to be submitted to the Department of State before the effective date of the agreement for approval from the standpoint of U.S. foreign policy and military security.

**§ 124.02 Technical assistance agreements.<sup>1</sup>**

Agreements entered into between persons or companies in the United States and foreign persons or entities, private or governmental, for the furnishing of technical assistance and technical information relating to articles designated as arms, ammunition, and implements of war are required to be submitted to the Department of State before the effective date of the agreement for approval from the standpoint of U.S. foreign policy and military security.

**§ 124.03 Exportation of technical data in furtherance of an agreement.**

(a) Collectors of Customs or postal authorities may permit the exportation without a license of unclassified technical data in furtherance of a manufacturing license or technical assistance agreement covering U.S. Munitions List items which has been approved in writing by the Department of State unless the data exceeds the technical and/or product limitations approved in the agreement. The U.S. principal to the agreement shall be responsible for certifying that the exempted data is within the limitations of this paragraph, and for seeking Department of State approval for the exportation of any data which exceeds such limitations.

(b) The exportation of classified information in furtherance of an approved manufacturing license or technical assistance agreement which provides for the conveyance of classified information does not require further Department of State approval provided:

(1) The U.S. principal certifies to the Department of Defense transmittal authority that the data does not exceed the technical and/or product limitations in the agreement approved by the Department of State, and

(2) The U.S. principal meets requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information and any other requirements of cognizant U.S. departments or agencies.

**§ 124.04 Required information in agreements.**

(a) Manufacturing license or technical assistance agreements should define in precise terms the following:

(1) The equipment and technology involved as described by military nomenclature, contract number, Federal stock number, nameplate data, or other specific information;

(2) The detail scope of the information to be furnished;



(3) The period of duration of the agreement;

(4) Identification of the countries or areas in which manufacturing, production, or processing, sale or other form of transfer is licensed.

(5) A statement to the effect that the article to be produced under license or otherwise, or the technical data, or the direct product thereof, is not authorized to be directly or indirectly sold, leased, re-leased, assigned, transferred, conveyed, or in any manner disposed of in or to any country or area enumerated in § 125.22.

(6) A statement to the effect that the agreement is subject to all applicable United States laws and regulations.

(b) Manufacturing license or technical assistance agreements should be accompanied by the following:

(1) Statement of ownership of equipment and special tools involved (especially U.S. Government-owned) which would be utilized or made available in connection with the agreement.

(2) A statement identifying any United States Government contract under which the equipment or technical data was produced or developed, and if the equipment or technical data involved is of advanced design, process, or technique, the statement should indicate whether it was derived from any bid or other proposal to the United States Government.

(3) If only unclassified equipment or technical data is involved, it shall be so indicated. If classified information is involved, the highest degree of security classification shall be specified.

(c) U.S. parties to an approved agreement shall furnish the Department of State with a copy of the agreement as finally concluded in the event any changes have been required as a condition of approval and shall advise the Department of State of the termination prior to expiration of an approved agreement, including information as to the continuation of any license rights or flow of technical data to licensees.

(d) (1) It is the policy of the U.S. Government not to pay or allow to be paid in connection with purchases made with Military Assistance Program or other U.S. Government funds, a charge for patent rights in which it holds a royalty-free license, or for technical data which it has a right to use and disclose to others for purposes of the Military Assistance or other U.S. Government Program or which are in the public domain, or with respect to which it has been placed in possession without restriction upon their use and disclosure to others. Reasonable charges for reproduction, handling, mailing, and other similar administrative costs do not fall within this policy.

(2) Pursuant to the above policy (subparagraph (1) of this paragraph), all agreements shall reflect the following provisions: (i) purchases of items by or for the U.S. Government, or with funds derived through the Military Assistance or other U.S. Government Programs, will not include a charge (a) for technical data in the possession of the U.S. Government, or in which the U.S. Govern-

ment has a right to possession, and regarding which there is no prohibition against use by the U.S. Government and disclosure to others and (b) for royalties or amortization for patents or inventions in which the U.S. Government holds a royalty free license; and (ii) the license rights transferred by the agreement are subject to existing rights of the U.S. Government.

(e) No liability shall be incurred by or attributed to the U.S. Government by reason of this approval requirement in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign. The applicant shall acknowledge this provision of the regulations either by its inclusion in the agreement or by letter over the signature of an appropriate officer of the company.

NOTE: Proposed manufacturing licenses or technical assistance agreements for the production in a foreign country of any item on the U.S. Munitions List, and particularly for the production of such items developed under a Government contract, are subject to technical and security review by the Department of Defense. When this is necessary, the Department will assign a case number to the draft agreement and will inform the U.S. firm of that number and of the date of referral of the case to the Department of Defense. This is to enable the firm to confer, if it so desires, with cognizant military officials on technical and security requirements of the agreements. After the Department of Defense has submitted its recommendations to the Department of State on the proposed agreement, the Department of State will take final action on the case.

## PART 125—TECHNICAL DATA

Sec.	
125.01	Technical data.
125.02	Exportation of technical data.
125.03	Classified information.
125.11	Exportation of unclassified technical data.
125.12	Exportation of classified information.
125.20	Government agency shipments.
TECHNICAL DATA EXEMPTIONS	
125.30	General exemptions.
125.31	Importation of technical data.
125.32	Canadian shipments.

### MAILING AND SHIPPING PROCEDURES

125.40	Certification requirements.
125.41	Clearance of exports.
125.42	Sino-Soviet bloc destinations.

AUTHORITY: The provisions of this Part 125 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10409; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redellegation of Authority No. 104-9-A, 28 F.R. 7231.

### § 125.01 Technical data.

As used in this subchapter the term "technical data" means:

(a) Information concerning an article on the U.S. Munitions List which enables its use, operation, maintenance, repair, overhaul, production, or manufacture, or,

(b) Research, development, and engineering technology concerning an article on the U.S. Munitions List, or,

(c) Any technology which advances the state-of-the-art or establishes a new art in an area of significant military applicability,<sup>1</sup> or,

(d) Information as defined in § 125.03 (b).

### § 125.02 Exportation of technical data.

The export controls established under the provisions of section 414 of the Mutual Security Act of 1954, as amended, relating to technical data cover (a) the exportation of unclassified technical data on articles designated as arms, ammunition, and implements of war, and (b) the exportation of classified information as defined in § 125.03(b). These controls are applicable whether such information is to be exported by oral, visual, or documentary means. Therefore, an exportation is effected whenever technical data is, inter alia, mailed or shipped outside the United States, carried by hand outside the United States, disclosed through foreign visits by American personnel (including participation in briefings or symposia), disclosed to foreign nationals in the United States (including plant visits and participating in briefings or symposia). (See § 125.30 for exemptions.)

### § 125.03 Classified information.

Classified information is either (a) equipment, or (b) information relating to a U.S. Munitions List article, which has been assigned a United States security classification as requiring protection in the interest of national defense.

### § 125.11 Exportation of unclassified technical data.

(a) A license issued by the Department of State is required for the exportation of unclassified technical data relating to arms, ammunition, and implements of war, unless the exportation falls within the exemption provisions of these regulations (see § 125.30). The application for license must be submitted on the prescribed form (DSP-5), complete in all details so as to afford adequate identification of data or material, together with five (5) copies of the technical data.

(b) A license issued by the Department of State is required for the exportation of unclassified technical data relating to arms, ammunition, and implements of war, which are included in any applications for a foreign patent. This licensing requirement is in addition to the license for foreign filing, which must be obtained by an exporter from the Patent Office during the first 6 months of the pendency of a patent application. After 6 months, only a Department of State license is required. If the patent application is covered by a secrecy order, all questions relating thereto should be addressed to the Patent Office. (See § 125.30.)

(c) A license issued by the Department of State is required for the exportation of unclassified technical data to be disclosed to foreign nationals either in connection with visits to foreign countries by Ameri-

<sup>1</sup> The initial burden of determining whether the technology in question advances the state-of-the-art or establishes a new art is upon the U.S. principal or applicant.

can personnel, or in connection with visits to the United States by foreign personnel. (See § 125.30.)

**§ 125.12 Exportation of classified information.**

(a) Any request for authority to export classified information by other than the cognizant department or agency of the U.S. Government must first be submitted to the Department of State for approval.<sup>3</sup> In the event classified information is involved in a proposed exportation, a letter must be submitted to the Department of State setting forth the full details of the proposed transaction, accompanied by five (5) copies of any documentary information. The letter to the Department of State should indicate:

(1) The highest degree of security classification of the equipment or information involved;

(2) the cognizant project or contracting agency; and

(3) If the equipment or information was not directly contracted for, whether it was derived from U.S. Government sources, project development, bid requirements, or contractual arrangements.

(b) Classified information, as defined in § 125.03, which is approved for export by the Department of State, may only be transferred or communicated in accordance with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such information and any other requirements of cognizant U.S. departments or agencies.

(c) The approval of the Department of State is required for the exportation of classified information to be disclosed to foreign nationals either in connection with visits to foreign countries by American personnel, or in connection with visits to the United States by foreign personnel. (See § 125.30(b)(2).)

**§ 125.20 Government agency shipments.**

The exportation of technical data by the U.S. Government is not subject to the provisions of section 414 of the Mutual Security Act of 1954, as amended. A license to export technical data is not required, therefore, when all aspects of the transaction are handled by a U.S. Government agency. This exemption has no application to the situation where a U.S. Government agency on behalf of a private individual or firm, acts as a transmittal agent either as a convenience, or in satisfaction of security requirements.

**TECHNICAL DATA EXEMPTIONS**

**§ 125.30 General exemptions.**

(a) Collectors of Customs or postal authorities may permit the exportation without a license of unclassified technical data as follows:

(1) If it is in published form and subject to public dissemination by being:

- (i) Sold at newsstands and bookstores;
- (ii) Available by subscription or purchase without restrictions to any person or available without cost to any person;
- (iii) Granted second class mailing privileges by the U.S. Government;
- (iv) Freely available at public libraries.<sup>4</sup>

(2) If it has been approved for public release by any department or agency having authority for the classification of information or material under Executive Order 10501, as amended, and has in fact been publicly disseminated or presented at a symposium authorized for attendance by the public.

(3) If the exportation is in furtherance of an approved manufacturing license or technical assistance agreement in accordance with § 124.03(a).

(4) If it is being exported in furtherance of a contract with an agency of the U.S. Government or a contract between an agency of the U.S. Government and a foreign manufacturer or other foreign entity, provided the contract calls for transmission of relevant technical data.

(5) If it relates to firearms not in excess of caliber .50 and ammunition for such weapons, except unclassified technical data containing advanced designs, processes, and manufacturing techniques.

(6) If it consists of technical data, other than design, development, or production information, relating to equipment, the exportation of which has been previously authorized to the same destination.<sup>5</sup>

(7) If it consists of operations, maintenance, and training manuals, and aids, relating to equipment, the exportation of which has been authorized to the same destination.<sup>6</sup>

(8) If it consists of additional copies of technical data previously approved for exportation to the same destination.

(9) If it consists solely of technical data being retransmitted to destinations from which it was originally imported.

(10) If it is being exported in direct support of, and within the technical and/or product limitations of, a "U.S. Government approved project" and the exporter so certifies. The Office of Munitions Control will verify, upon request, those projects which are "U.S. Government approved" and accord an exemption where appropriate under this subparagraph.<sup>7</sup>

<sup>3</sup> The burden for obtaining appropriate U.S. Government approval for the publication of technical data falling within the definition in § 125.01, including such data as is developed under other than U.S. Government contract, is on the person or company seeking publication.

<sup>4</sup> Not applicable to technical data relating to Category VI(e) and Category XVI.

<sup>5</sup> Classified information may also be transmitted in direct support of and within the technical and/or product limitations of such verified "U.S. Government approved projects" without prior Office of Munitions Control approval provided the U.S. principal so certifies and meets the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information and any other requirements of cognizant U.S. departments or agencies.

(11) If it is being exported solely for the use of American citizen employees of U.S. firms provided the U.S. firm certifies its overseas employee as a qualified recipient.<sup>8</sup>

(b) Plant Visits.<sup>9</sup>

(1) No license is required for the release of unclassified technical data in the course of plant visits by foreign nationals provided:

(i) The data is directly concerned with the subject matter of a classified plant visit approved by the Department of Defense or other cognizant department or agency;

(ii) The data is to be disclosed by oral or visual means during, and is directly concerned with the subject matter of, an unclassified plant visit arranged under U.S. Government auspices; or

(iii) The documentary data is a verbatim presentation of the oral and visual data disclosed under (ii) of this subparagraph.

(2) The arrangement of an unclassified plant visit or the approval of a classified plant visit by the Department of Defense or other cognizant department or agency shall include appropriate Department of State approval for the release of any technical data beyond that exempted by (1) above which is to be disclosed to foreign nationals. (See §§ 125.40 and 125.42.)

**§ 125.31 Importation of technical data.**

A license is not required for the importation of technical data.

**§ 125.32 Canadian shipments.**

Collectors of customs or postal authorities may permit unclassified technical data to be exported to Canada without presentation of an export license, except such technical data as relates to the items enumerated in § 123.23 (c) (2), (3), and (4).

**MAILING AND SHIPPING PROCEDURES**

**§ 125.40 Certification requirements.**

If the exporter wishes to claim the benefit of an exemption from the requirement of an individual license in accordance with the provisions of § 125.30, he is required to certify that the proposed exportation is covered by one of the provisions of that section. He shall so certify by marking the package or letter "22 CFR 125.30 \* \* \* applicable," identifying the specific subsection or subsections under which the exemption is claimed.

<sup>6</sup> Classified information may also be exported to such certified American citizen employees without prior Office of Munitions Control approval provided the U.S. principal meets the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information and any other requirements of cognizant U.S. departments or agencies. Such technical data or information (classified or unclassified) shall not be released by oral, visual, or documentary means to any foreign national or foreign entity.

<sup>7</sup> Nationals of the countries or areas enumerated in § 125.42 are not included in this exemption.

<sup>3</sup> See however § 125.30(b)(2) concerning plant visits.



**§ 125.41 Clearance of exports.**

Licenses covering nonexempt technical data exports must be presented to the appropriate collector of customs or postal authority when shipment is made.

**§ 125.42 Sino-Soviet bloc destinations.**

The policy of the Department of State is to deny export license applications for technical data destined for Albania, Bulgaria, Communist China, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland, Rumania, Union of Soviet Socialist Republics, any of the area of Viet-Nam which is under de facto Communist control, or any other area which is from time to time determined by the Department of State to be under Communist control. The exemptions provided by this part, except by § 125.30(a) (1) and (2), do not apply to the foregoing destinations.

## PART 126—VIOLATIONS AND PENALTIES

Sec.

- 126.01 Violations in general.
- 126.02 Misrepresentation and concealment of facts.
- 126.03 Penalties for violations.
- 126.04 Authority of collectors of customs.
- 126.05 Seizure.

**AUTHORITY:** The provisions of this Part 126 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redlegation of Authority No. 104-3-A, 28 F.R. 7231.

**§ 126.01 Violations in general.**

It shall be unlawful for any person to export or attempt to export from the United States any of those articles designated by the U.S. Munitions List or to import or attempt to import such articles into the United States without first having obtained a license therefor, unless written approval was obtained from the Department of State or an exemption from this requirement is authorized by this subchapter.

**§ 126.02 Misrepresentation and concealment of facts.**

(a) It shall be unlawful willfully to use, or attempt to use, for the purpose of exportation or importation of U.S. Munitions List articles, any export or import control document which contains a false statement or misrepresents or conceals a material fact. Any such false state-

ment, misrepresentation or concealment of material fact in such a document shall be considered, as made in a matter within the jurisdiction of a department or agency of the United States, in violation of section 1001 of Title 18, United States Code and section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934).

(b) For the purpose of this section, the term export or import control document shall include the following when used for the purpose of exportation or importation, or attempted importation or exportation of U.S. Munitions List articles:

- (1) Applications for import, export, or intransit license and supporting documents.
- (2) Shipper's export declarations.
- (3) Invoices.
- (4) Declarations of destination.
- (5) Delivery verifications.
- (6) Applications for certificate of temporary sojourn.
- (7) Applications for registration.
- (8) Purchase orders.
- (9) Foreign import certificates.
- (10) Bills-of-lading.
- (11) Air way bills.

**§ 126.03 Penalties for violations.**

Any person who willfully violates any provision of section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934), or any rule or regulation issued under that section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall, upon conviction, be fined not more than \$25,000, or imprisoned not more than 2 years, or both.

**§ 126.04 Authority of collectors of customs.**

(a) Collectors of customs are authorized to take appropriate action to insure observance of this subchapter as to the importation or exportation, or the attempted importation or exportation, of arms, ammunition, and implements of war, whether or not authorized by licenses or written approval issued under this subchapter, including, but not limited to, inspection of loading or unloading of carriers.

(b) Upon the presentation of a license or written approval to a collector of customs, authorizing the exportation or importation of arms, ammunition, and im-

plements of war, the collector may require, in addition to such documents as may be required by customs regulations, the production of other relevant documents and information relating to the proposed exportation or importation, including, but not limited to, invoices, orders, packing lists, shipping documents, correspondence, and instructions.

**§ 126.05 Seizure.**

Whenever an attempt is made to import, or bring into the United States, or to export, or ship from or take out of the United States, any arms, ammunition, implements of war, and technical data relating thereto in violation of law, the several collectors of customs, or officials of such other United States agencies as may be authorized to perform law enforcement functions, may seize and detain any such arms, ammunition, and implements of war, and the vessel, vehicle or aircraft containing the same, and retain possession thereof until released or disposed of as directed by law.

## PART 127—ADMINISTRATIVE PROCEDURES

**§ 127.01 Exclusion of functions under section 414 of the Mutual Security Act of 1954, as amended.**

The functions conferred by section 414 of the Mutual Security Act of 1954, as amended, are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by sections 1003 and 1004 thereof.

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redlegation of Authority No. 104-3-A, 28 F.R. 7231)

**NOTE:** The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 283; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: November 28, 1966.

DEAN RUSK,  
Secretary of State.

[F.R. Doc. 66-12981; Filed, Dec. 1, 1966; 8:46 a.m.]



DEPARTMENT OF STATE

Washington, D.C. 20520

October 3, 1968

Mr. George D. Newton, Jr.  
Co-Director, Weapons Task Force  
National Commission on the Causes &  
Prevention of Violence  
726 Jackson Place  
Washington, D. C. 20506

Dear Mr. Newton:

In your most recent request you indicated that you wished to receive further information concerning protests made by other governments to the "Crime Control and Safe Streets Law" (HR-5037). I attach for your review Aide-Memoire and Notes Verbales received from the Governments of Spain, Germany, Belgium, France, The Netherlands, Luxembourg, and Italy. In addition, our Embassy in Madrid has forwarded to us a translation of a letter received from the Bilbao Regional Center of the American Chamber of Commerce in Spain which also evidences alarm at the passage of HR-5037. In transmitting the Bilbao American Chamber of Commerce letter to the Department our Embassy in Madrid requested Departmental guidance in replying to the complaint. For that reason the covering Airgram was classified and is not attached. Nothing further of interest was contained in it.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frederick S. York".

Frederick S. York,  
Department of State Liaison Officer

Enclosures:

- 1) Aide-Memoire & Notes Verbales
- 2) Attachment #1 to Madrid's A-857

AIDE-MEMOIRE

WFO  
Thurman  
my

The Embassy of Spain presents its compliments to the Department of State and wishes to draw its attention to the following matter:

The Senate has recently passed Bill S.917 wherein, under Title IV, specific mention is made of a series of regulations on firearms control, to assist State and local governments in reducing the incidence of crime.

If this bill is approved, it would practically mean the prohibiting of imports in the United States of certain types of firearms. Yet, this bill does not provide any ruling to control or restrict the manufacture of these very same types of firearms in the United States.

The Embassy of Spain is perfectly aware of the U.S. Administration's concern regarding the necessity of a law to control the possession, trade and use of firearms in this country, but on the other hand, is deeply worried about the fact that if the bill referred to above is enacted, it would imply an arbitrary discrimination and a restriction to the free play of international trade, principle which has invariably guided the trade policy of the United States. Particularly, since such a discrimination would contradict the terms of the engagements entered into by the United States as a signatory of the General Agreement on Tariffs and Trade which specifically states in Part II, Art. 3, paragraph 4, that restrictions imposed on foreign products, cannot be more severe than those applicable to similar products of domestic production.

The Embassy would therefore appreciate it, if the Department of States would kindly transmit these objections to the Departments involved.

Washington D.C., June 3, 1968

DEPARTMENT OF STATE

GERMAN EMBASSY  
WASHINGTON, D. C.

ACTION

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Note Year of  
MUNITIONS CONTROL e

RS/AN  
ANALYSIS BRANCH

6-4-68

The German Embassy presents its compliments to the Department of State and has the honour to refer to the following matter:

The Senate by a large majority has just passed the Bill S. 917 which is directed against the incidence of crime in the United States and for this purpose (Title IV) contains various provisions dealing with the control of firearms.

The German Embassy fully appreciates the efforts of the American Administration to control the ownership, the sale and the transfer of firearms within its territory and understands its interest in adopting suitable measures to regulate the sale and the ownership of goods the use of which may involve a serious danger.

It appears to this Embassy, however, that Title IV proposes regulations, the application of which would entail serious consequences which should be brought to the attention of the responsible American authorities. If Bill S. 917 should become law, this would practically amount to prohibiting the importation of certain categories of firearms into the United States, even though these arms are obviously not subject to a corresponding prohibition when they are manufactured within the customs territory of the United States. While recognizing the usefulness of controlling goods which are liable to be dangerous, it is nevertheless felt that one-sided and discriminatory restrictions are now being introduced in the flow of international trade.

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In this connection the German Embassy would like to refer to the provisions contained in Part II, Article III, Paragraph 4 of GATT according to which the contracting parties have pledged not to impose stricter regulations on foreign products than on the corresponding domestic product. Reference is also made to the argument raised by the Senate Committee

6/7/68

on the Judiciary on April 29, 1968, as contained in Senate Report No. 1097 (to accompany Bill S. 917), Calendar No. 1080, Pages 255/56, which reads in part:

"For these reasons it seemed plain to us that the foreign source of a firearm is no basis to outlaw it because, like a similar domestic firearm, it might be used in a crime."

For these reasons the German Embassy would be grateful if the Department of State could bring the objections raised in this connection to the attention of the responsible Government Departments and other Offices of the United States Government.

The German Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C., June 4, 1968

Department of State  
Washington, D.C.





DEPARTMENT OF STATE  
DIVISION OF LANGUAGE SERVICES

(TRANSLATION)

LS NO. 2407  
T-114/R-IV  
French

The Embassy of Belgium presents its compliments to the Department of State and has the honor to inform it of the following facts:

The Senate, by a large majority, has just passed Bill S 917, which is principally aimed at controlling crime in the United States and, for that purpose, includes (Title IV) a number of provisions dealing with the control of firearms.

The Embassy of Belgium fully understands the concern of the American Government to regulate, within its territory, the possession and sale of, and traffic in, firearms; and it understands the importance attached to the taking of appropriate measures to regulate trade in, and possession of, articles which can, if misused, present serious dangers.

However, it appears to the Embassy of Belgium that Title IV contains provisions whose application would have consequences to which it considers it necessary to draw the attention of the competent American authorities. If this Bill were passed, it would lead, in practice, to prohibiting the import into the United States of various categories of firearms of foreign origin, even though these categories are apparently not subject to a similar prohibition if they are manufactured within the customs territory of the United States. Under cover of a commendable recommendation concerning

Department of State,

Washington, D.C.

trade in articles which can be dangerously used, arbitrary and discriminatory restrictions on the free flow of international trade would thus be established.

In this connection, the Embassy of Belgium recalls the provisions of Part II, Article III, paragraph 4 of the GATT, under the terms of which the Contracting Parties undertook not to impose on products of foreign origin stricter regulations than those applicable to like products of national origin.

The Embassy would therefore be grateful if the Department of State would be good enough to convey to the competent Departments and [other] agencies of the United States Government the objections to which the Bill in question gives rise.

The Embassy of Belgium avails itself of this opportunity to renew to the Department of State the assurances of its very high consideration.

[initialed]

[Embassy stamp]

Washington, D.C., May 29, 1968



DEPARTMENT OF STATE  
DIVISION OF LANGUAGE SERVICES  
(TRANSLATION)

DIVISION OF LANGUAGE  
SERVICES

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LS NO. 2420  
T-114/R-IV  
French

ANALYSIS BRANCH

June 3, 1968

The Embassy of France presents its compliments to the Department of State and has the honor to draw its attention to the following considerations.

The Senate, by a large majority, has just passed Bill S 917, which is principally aimed at controlling crime in the United States and, for that purpose, includes (Title IV) a number of provisions dealing with the control of firearms.

The Embassy of France fully understands the concern of the American authorities to regulate the possession and sale of, and traffic in, firearms; and it understands the importance attached to the taking of appropriate measures to regulate trade in, and possession of, articles which can, if misused, present serious dangers.

But if this Bill were passed, it would lead, in practice, to prohibiting the import into the United States of various categories of firearms of foreign origin, even though these categories are apparently not subject to a similar prohibition if they are manufactured within the customs territory of the United States. Under the cover of commendable regulations imposed on trade in articles which can be dangerously used, arbitrary and discriminatory restrictions on the free flow of international trade would thus be established.

Department of State,

Washington, D.C.

In this connection, the Embassy recalls the provisions of Part II, Article III, paragraph 4 of the CATT, under the terms of which the Contracting Parties undertook not to impose on products of foreign origin stricter regulations than those applicable to like products of national origin.

The Embassy would therefore be grateful if the Department of State would be good enough to convey to the competent American authorities the objections to which the Bill in question gives rise.

The Embassy of France avails itself of this opportunity to renew to the Department of State the assurances of its very high consideration.

No. 7769

The Netherlands Ambassador presents his compliments to the Honorable the Secretary of State and has the honor to refer to the note of the Belgian Embassy of May 29, concerning title IV of the Senate Bill S.917.

The Netherlands Ambassador wishes to assure Mr. Rusk that he shares the concern of the Belgian Embassy with regard to the possible discriminatory effect of certain clauses in the above quoted title as the text of those clauses stands now. The Netherlands Ambassador therefore expresses the hope that the Secretary of State will use his best endeavours to achieve an amendment of the clauses referred to by the Belgian Ambassador so as to prevent the possibility of discrimination.

Washington D.C.  
May 31, 1968.



AMBASSADE DU GRAND-DUCHE  
DE LUXEMBOURG  
WASHINGTON, D. C.

L-17

The Ambassador of Luxembourg presents his compliments to the Honorable the Secretary of State and has the honor to refer to the note of the Belgian Embassy of May 29, 1968 concerning title IV of the Senate Bill S.917.

The Ambassador of Luxembourg wishes to assure Mr. Rusk that he shares the concern of the Belgian Embassy with regard to the possible discriminatory effect of certain clauses in the above quoted title as the text of those clauses stands now. The Ambassador of Luxembourg therefore expresses the hope that the Secretary of State will use his best endeavours to achieve an amendment of the clauses referred to by the Belgian Ambassador so as to prevent the possibility of discrimination.

Washington, D.C. June 5, 1968



AMBASCIATA D'ITALIA  
WASHINGTON, D. C.

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MUNITIONS CONTROL  
DEPARTMENT OF STATE

The Italian Embassy presents its compliments to the Department of State and has the honor to draw its attention on the following.

The Senate of the United States has recently adopted - by a wide majority - Bill S. 917 which mainly concerns the fight against crime and which, to this end, includes a number of measures (Title IV) pertaining to the control of firearms.

The Italian Embassy fully understands the desire of the United States Government to control the possession, sale and circulation of firearms within its territory and appreciates the interest in establishing appropriate measures in order to control the commerce and the possession of products which could represent a grave safety hazard.

The Italian Embassy feels, however, that Title IV of the above mentioned Bill contains certain regulations which if made effective, would practically prohibit the importation into the United States of many types of foreign firearms, while the same types of firearms, if produced domestically, would remain unaffected by the Bill.

The Department of State

Washington, D. C.

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This would be in direct contrast to Paragraph 4, Article III of the second part of the General Agreement on Tariffs and Trade according to which the Contracting Parties agree not to impose upon imported products regulations more severe than those applied to similar products produced domestically.

The Italian Embassy, therefore, would appreciate it if the Department of State would kindly bring the objections caused by the Bill S. 917 to the attention of the appropriate Departments and agencies of the United States Government.

The Italian Embassy welcomes the opportunity to renew to the Department of State the expressions of its highest esteem and consideration.



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