



Defense Trade News

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International Security Environment

Retrospective and Look Ahead

Changes in the Global Environment. During the past year, dramatic developments have transformed the international arena: the end of the Cold War; the termination of the Warsaw Pact; major reductions in strategic and conventional forces; the success of Operation Desert Storm; and the dissolution of the Soviet Union. As a result, traditional threats to international security have diminished.

Other threats toward peace remain, however: the transfer of sophisticated defense articles; the spread of commodities and technologies useful in fabricating chemical, biological, and nuclear weapons; and the spread of related missile delivery systems to countries and regions of concern to the United States.

U.S. Role. The United States has taken the lead in international efforts to limit the proliferation of these weapons and sensitive technologies. It has urged other supplier nations to adopt and apply export controls comparable to those of the United States. It has also consulted with other nations through a number of mechanisms—the United Nations, NATO, the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group, and COCOM, among others—to ensure that these efforts are multilateral in scope.

Decline of U.S.-Soviet Competition. The single most important element affecting defense exports is the decline of U.S.-Soviet military competition, spurred by political events last year in the Soviet Union. The national security of the United States and its allies will now require smaller armed forces, and weapons systems will not be acquired at the same rate as in the past.

The United States will help the republics that once made up the Soviet Union restructure politically and economically along demo-

cratic and free-market lines. Because relations with the new republics remain sensitive, arms sales to them are not contemplated at this time.

Support for Eastern Europe. In Eastern Europe, the United States will continue to encourage a stable transition to representative government. The United States will also provide assistance to further economic reforms and to enhance the ability of the emerging democracies to defend themselves. Poland, Hungary, and Czechoslovakia have already requested U.S. defense articles and services. ②

The Department of State has been developing guidelines on military cooperation and defense trade with the Eastern European democracies. Requests for U.S. Munitions List (USML) items for civilian or nonlethal use have the best chance of approval. Sales of major defense items to these countries, however, are not likely at present.

Middle East Efforts. Events in the Middle East have also been dramatic. In 1991, an unprecedented multinational coalition liberated Kuwait from Iraq's occupation and strengthened security in the Persian Gulf region. Moreover, for the first time Israelis and Arabs, including Palestinians, sat down together in Madrid for peace talks. U.S. policy toward the Middle East is shaped by the peace process, the President's Middle East Arms Control Initiative, and post-war Gulf security arrangements. The United States hopes to build on the momentum achieved in the Madrid peace talks. It also wishes to promote closer security cooperation in the Gulf region through interoperability and prudent defense transfers.

The Middle East Arms Control Initiative. On May 29, 1991, the President announced a number of proposals intended to limit the proliferation of nuclear, chemical, and biological weapons in the Middle East, in addition to the missiles that could carry such arms. The President's initiative focused on the Middle East, given that region's unique situation.

The major suppliers—the United States, the Soviet Union, France, China, and the United Kingdom—met in 1991 to discuss arms transfer and nonproliferation matters. In October, they met in London and agreed to establish guidelines for responsible defense transfers.

- ⑥ These guidelines are similar to those in the Arms Export Control Act (AECA).

The major suppliers also agreed to notify one another, on a confidential basis, of arms transfers to the Middle East. Six categories of weapons were suggested for consideration:

- Tanks
- Armored Combat Vehicles
- Artillery
- Military Aircraft and Helicopters
- Naval Vessels
- Certain Missile Systems ? ASM?

The suppliers met in February 1992 to refine the list of arms for notification and to continue developing guidelines on weapons of mass destruction and missiles. Adoption of common guidelines and agreement to consult on defense exports to the Middle East will counter the type of weapons flow to the region that permitted Iraq to pose a significant threat to stability.

Defense Sales to the Middle East. The agreement reached in London last October by the major supplying nations did not mean a "cartel" was being established among the suppliers of defense articles to the Middle East. Nor did it mean that the Administration advocated a moratorium on arms sales to the Middle East. Security assistance to friends in the region remains essential. Thus, Congressional notifications of arms proposals for security partners in the region will continue. The United States remains strongly committed to meeting the legitimate defense requirements of its friends and allies in the Middle East.

Facilitating Legitimate Defense Exports. Defense transfers, judiciously applied, will remain an important foreign policy instrument.

The market for defense exports is becoming significantly tighter, however, as supply continues to exceed demand. In the months ahead, competition for scarce contracts will become even more heated. Furthermore, European economic integration (EC-92) will lead to closer coordination among European defense firms, posing competitive challenges to U.S. firms.

Because cooperative defense efforts can be mutually beneficial, the State Department will push hard to ensure that any EC-92 changes do not exclude U.S. defense manufacturers from competing fairly in the European market. It will also consider the need for closer ties between U.S. and European companies when evaluating technology transfer and arms sales policy.

It is also imperative that the United States preserve its defense industrial base and its technological prowess. Toward this end, a number of steps have been taken over the past 2 years. The Department has reorganized and expanded its defense trade function. Additional resources have been allocated to correct the problems industry has had in the past with the Department in regard to commercial defense trade. At the same time, Deputy Secretary Eagleburger has issued guidance to U.S. Embassies overseas on assisting U.S. defense exporters. (See "Assisting Defense Firms Overseas", p. 7.) Finally, an interagency Defense Trade Working Group (DTWG) has been created, and a defense trade advisory group composed of representatives from industry and government is being established.

The Department is also refining export controls (through rationalization of the U.S. Munitions List and revision of the International Traffic in Arms Regulations) to remove impediments to legitimate trade in keeping with national security and foreign policy objectives. In the meantime, further improvements are being made in the processing of license and commodity jurisdiction requests.

Conclusion. In order to protect its security interests, the United States must maintain the forces necessary to exercise a forward presence in key areas and respond to unforeseen threats; it must retain a credible nuclear deterrent; and it must provide defense articles and services to meet the self-defense needs of its security partners.

The Persian Gulf War demonstrated the importance of assisting U.S. friends and allies and preserving a strong defense industrial base. The Department of State will seek to maintain a vigorous security assistance program and to facilitate defense exports in accordance with U.S. national security and foreign policy objectives. ♦

Poland, Hungary, and Czechoslovakia

Determination of Foreign Military Sales Eligibility

On December 6, 1991, the President made Hungary, Poland, and Czechoslovakia eligible to purchase U.S. defense articles and services under section 503(a) of the Foreign Assistance Act of 1961, as amended [22 USC 2311(a)], and section 3(a)(1) of the Arms Export Control Act, as amended [22 USC 2743(a)(1)], for Foreign Military Sales (FMS) programs. The subject Presidential Determinations, numbers 92-6 through 92-8, were published in the December 16, 1991, *Federal Register*. This eligibility for FMS now gives these countries the option of purchasing U.S. defense articles and services either through direct commercial channels or from the U.S. Government. The United States has FMS relationships with approximately 130 countries and seven international organizations.

President Bush's decision to make these countries eligible for FMS is part of the evolution of strengthened bilateral relationships. This decision followed the July 1991 approval to remove these countries from the prohibited list of countries under section 126.1 of the International Traffic in Arms Regulations (ITAR), thereby permitting them to purchase

limited quantities of U.S. Munitions List (USML) items directly from U.S. manufacturers. This change appeared in the October 29, 1991, *Federal Register*.

Current Administration policy does not include the sale of sophisticated weapons systems to these countries. All requests for FMS sales will be reviewed on the same case-by-case basis that now exists for direct commercial transactions of the same items. All FMS sales would be cash purchases only, as the United States is not currently proposing any Foreign Military Financing (FMF) to these countries.

An anticipated benefit to enhanced security assistance relationships with these countries will be the opportunity to assist them in their efforts to transform their militaries into viable national defense organizations, accountable to elected civilian authorities. The United States also supports these countries' efforts to address their citizens' economic and social welfare needs. The United States will continue to work with these governments to find ways to meet their legitimate self-defense requirements without creating threats to the stability of the region. ♦

Newly Independent States

Policy on Transfers to Former Soviet Republics

In January 1992, the State Department approved addition of the names of the newly independent states of the former Soviet Union to the list of prohibited destinations for defense articles and services in the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130) and formally removed the now dissolved "Union of Soviet Socialist Republics" (USSR) from the list of prohibited destinations.

At this time, the prohibitions of section 126.1 of the ITAR that have been in effect for the Soviet Union, or USSR, continue to apply to the newly independent republics of the former Soviet Union. Until further notice, it will be the policy of the U.S. Government to

deny licenses and other approvals in general with respect to defense articles and defense services destined for or originating in the following newly independent republics: the Republic of Armenia, Republic of Azerbaijan, Republic of Byelarus, Republic of Georgia, Republic of Kazakhstan, Republic of Kyrgyzstan, Republic of Moldova, Russian Federation, Republic of Tajikistan, Turkmenistan, Ukraine, and Republic of Uzbekistan. The previous inclusion of the now independent Baltic states of Estonia, Latvia, and Lithuania on the list of prohibited destinations in section 126.1 continues to apply.

This policy and related information will be published in a forthcoming *Federal Register* notice. ♦

China

Effect of Sanctions on Defense Trade

Executive actions and legislation have severely restricted U.S. defense exports to the People's Republic of China (PRC) since the violent events in Beijing's Tiananmen Square on June 4, 1989. Additional sanctions imposed in 1991 because of concern about PRC contributions to ballistic missile proliferation are being lifted.

Effective June 5, 1989, the President issued an Executive order suspending all licenses to export defense items and provide defense services to the PRC. A follow-up notice explicitly extended the suspension to the general exemptions for various types of technical data listed in section 125.4 of the International Traffic in Arms Regulations (ITAR).

Applicants could petition the Director, Office of Munitions Control (now the Office of Defense Trade Controls), if they felt their par-

ticular export was in the interest of the security and foreign policy of the United States. While returning applications for defense or public security end users without action, DTC continued to accept applications for U.S. Munitions List (USML) exports to civilian end users. A small number of exceptions were granted in 1989-90.

In February 1990, Congress codified some of these sanctions in the Foreign Relations Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-246). This law suspended issuance of export licenses for all USML items except inertial navigation systems for civilian aircraft. It also suspended export licensing of crime control and detection equipment on the dual-use Commerce Control List (CCL) and of U.S. satellites for launch from Chinese vehicles.

Under the law, the President may terminate these suspensions if he reports to Congress either that the termination is in the national interest, or that China has made progress on a number of human-rights-related political reforms specified in the law. Only two such waivers have been issued on the basis of national interest, both for U.S. satellites previously ordered by third countries for launch by Chinese rockets.

Based on evidence that two Chinese firms had transferred missile technology to Pakistan, the President announced on June 16, 1991, that he would offer no further waivers of the ban on satellite exports imposed by the Foreign Relations Authorization Act. Applications for export to China of Commerce Department-controlled high performance computers with composite theoretical performance (CTP) levels above 41 million theoretical operations per second (MTOPS) were subject to extensive review with a presumption of denial. Also, under a separate requirement of law, issuance

of export licenses for missile-related USML or CCL items going to the two Chinese firms involved in missile proliferation activities was prohibited for 2 years.

Following receipt of written confirmation of China's commitment to abide by the guidelines and parameters of the Missile Technology Control Regime (MTCR), the Administration announced in February 1992 that it was taking steps to lift the 1991 sanctions. This means the Administration intends once again to consider national interest exceptions to the statutory ban on PRC launches of U.S. satellites on a case-by-case basis. License applications for export of high performance computers to China will be evaluated according to appropriate dual-use criteria. Steps are also being taken to waive the sanctions imposed on the two Chinese firms. Exporters are encouraged to consult with the State Department on USML items and with the Commerce Department on CCL items before submitting license applications. ♦

Assisting Defense Firms Overseas

How One U.S. Embassy Does It

State Department Directive on Support for Defense Trade. On July 10, 1990, Acting Secretary of State Lawrence Eagleburger sent a cable to all U.S. Ambassadors worldwide outlining the appropriate Embassy role in support of U.S. defense trade (*Defense Trade News*, Vol. 1, No. 3, September 1990). Secretary Eagleburger wrote: "It is the policy of the United States that our diplomatic posts abroad should support the marketing efforts of U.S. companies in the defense trade arena as in all other spheres of commercial activity." The cable expanded previous guidance that U.S. officials should operate in a more cooperative manner with overseas representatives of the U.S. defense industry.

How One Embassy Helps U.S. Defense Firms. The American Embassy in Kuala Lumpur, Malaysia, has taken various steps to implement the Eagleburger cable. The post has incorporated the expertise of several Embassy offices and has produced a single information packet for U.S. defense industry. The Security Assistance Office (SAO) has prepared a letter, "Assistance to U.S. Defense Contractors" (reproduced on pages 8-9), which outlines the assistance available from the Embassy and specifies the Embassy offices responsible for different actions. The SAO also provides a brochure, "*Procurement System of the Ministry of Defence—Malaysia*," that describes military procurement in that country. The Embassy maintains current lists of points of contact in both the U.S. Embassy

(continued on page 10)



Embassy of the United States of America
Security Assistance Office
376 Jalan Tun Razak
50400 Kuala Lumpur
Malaysia

U-0252

06 September 1991

Assistance to U.S. Defense Contractors

The purpose of this note is to outline assistance available from the Embassy to U.S. companies marketing defense products in Malaysia. The Embassy stands ready to provide all appropriate assistance to U.S. companies seeking to fill Malaysia's defense requirements. Where two or more U.S. companies seek to meet a single requirement, we are committed to providing evenhanded assistance to all.

In general, assistance from the Embassy is available from any section. The sections specifically charged with assisting companies marketing defense products are the Security Assistance Office (SAO), the Foreign Commercial Service (FCS), and the Defense Attache Office (DAO). The SAO can assist with appointments in the Ministry of Defence (MINDEF); the FCS can provide detailed information regarding doing business in Malaysia, assist with Malaysian Government contacts outside MINDEF, and provide information on local agents; and the DAO can provide information on Malaysian defense requirements.

We request that U.S. companies marketing defense products make contact with the Embassy through the SAO. The SAO will arrange for appointments with the FCS and DAO if requested.

We recommend that companies which have identified a specific Malaysian requirement, and believe they have a good chance of being selected to fill it, use a local agent. Local agents can greatly facilitate appointments with Malaysian Government officials and can provide constant feedback. However, the SAO is happy to try to make appointments with MINDEF officials if requested. It is particularly appropriate for the SAO to become involved if a substantive briefing on a particular weapon system is contemplated.

If the SAO is requested to assist, we request that the following information be provided:

- a Full name of company.
- b Address of company.
- c Phone number and fax number.
- d Information on representatives.
 - Full name(s).
 - Passport number(s).
 - U.S. Government clearance(s), if any.
- e Product information.
 - Nomenclature.
 - Application
 - Has license to sell to Malaysia been granted?
- f Local agent, if any.
- g Window during which company representative(s) will be in Kuala Lumpur [date(s) and times] and available to meet with MINDEF officials.

On receipt of your request, we'll do our best to set up appointments with the appropriate MINDEF officials.

Chief
Security Assistance Office

Enclosures:

- 1. Embassy Points of Contact
- 2. MINDEF Points of Contact
- 3. Local Agents
- 4. Brochure - "Procurement System of the Ministry of Defence - Malaysia"

(continued from page 7)

and the Malaysian Ministry of Defense, and a list of local agents that can facilitate interaction with the Government of Malaysia.

At the Singapore Air Show in February, U.S. Ambassador to Malaysia Paul Cleveland gave a daily briefing to U.S. industry representatives, and along with other Embassy officials, answered questions, and addressed industry concerns. Embassy personnel regularly attend international and regional trade shows, and distribute the information packet. (To obtain the full information packet, one can write to:

Security Assistance Office
American Embassy
376 Jalan Tun Razak
50400 Kuala Lumpur
Malaysia

or to:

Security Assistance Office
American Embassy—Kuala Lumpur
APO AP 96535-5000

Requests can also be faxed to: SAO, U.S.
Embassy Malaysia, 011 (60) (3) 242-2207.)

Although much of the information in the Embassy letter is specific to Malaysia, many of the offices, functions, and procedures described apply in most U.S. Embassies and with many foreign governments.

Providing Feedback. The Center for Defense Trade (CDT) welcomes thoughts, ideas, and information about Embassy assistance to U.S. Defense firms. Although Embassy officials must be aware of the special considerations and responsibilities involved in defense exports, American Embassies are in a unique position to help the U.S. defense industry with their ability to provide country-specific information and to draw upon a variety of talents within each mission. CDT looks forward to publishing additional articles that detail expanded U.S. Embassy support available to the U.S. defense industry abroad. Comments should be forwarded to :

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Class and Multiple Commodity Jurisdiction Requests

Reduced Processing Time

Class and Multiple CJs Encouraged. As reported in the June 1990 *Defense Trade News*, the Office of Defense Trade Controls (DTC) initiated several workload reduction actions including the use of class or multiple Commodity Jurisdiction (CJ) requests. The class CJ concept was developed so that various models of a product could be addressed simultaneously. DTC encourages manufacturers of products that have similar functions, but may vary in physical properties, or range of capability, to submit class CJ requests. A manu-

facturer seeking determinations on several different products with dissimilar functions is encouraged to submit a multiple CJ request by single letter.

The Class CJ Request. A class is a product or product line having several models or variations which perform the same function. Class examples include different types of knives produced by the same manufacturer, a variety of microchips produced by an electronics firm, and various software security programs developed by a software developer.

Submitting the Class CJ. Requests are submitted in accordance with International Traffic in Arms Regulations (ITAR), 22 CFR §120.3, §120.5, §120.7, §120.8, and §121. (Additional articles about CJs appeared in the March, June, and September 1990, and October 1991 issues of *Defense Trade News*.)

Applicants should submit nine complete packets of the class CJ request letter and attached technical information to DTC. The subject line of the letter should specify that it is a **class CJ** request. At a minimum, include the following in the request:

1. *Description:* A general description of the products and their function; identification of characteristics or capabilities that differentiate the products.

2. *Use:* Identification or discussion as to whether or not the product is a part, component, or subassembly of an end-item (describing the end-item and its designed use).

3. *Market:* Identification of the target and current markets in specific terms. Include, as appropriate, the model, item nomenclature, manufacturer, component and end-item identification, and end-item user.

4. *USML or CCL Coverage:* Your recommendation or opinion about your products' coverage under the U.S. Munitions List (USML) or Commerce Control List (CCL), i.e., which agency you believe should license your product and why. (According to the models or other parameters of the products in review, include your recommendation on specific criteria for delineating between the USML and CCL.)

The Multiple CJ Request. The multiple CJ request differs from a class CJ in that it contains several different products with a variety of functions allowing a manufacturer to obtain a CJ determination on a diversified product line. This can be accomplished by submitting a single request letter identifying the specific products for which the determination is desired. Examples include both a company producing machined articles such as ball bearings, valves, and fittings, and a company producing a variety of electronic devices that perform different functions such as radios, surveillance cameras, and video displays.

Submitting a Multiple CJ Request. The multiple CJ request letter must contain the same information as required for the class CJ request; however, it must detail the description, use, and market for each product. The subject line of the letter should specify that it is a **multiple CJ** request. DTC encourages the requestor to include a recommendation for USML or CCL coverage, although this recommendation is not required for the multiple CJ request.

Class and Multiple CJ Requests Effective. The review of many items simultaneously under one request letter has permitted the transfer of hundreds of items to the Commerce Department's CCL after a single interagency review. Previously, the requestor would have prepared a separate cover letter for each item, and each letter would have gone through the review process individually. The class and multiple CJ procedures, therefore, have dramatically reduced the paperwork and processing time.

Assistance Available. For assistance in preparing either a class or multiple CJ request, please contact Gary Oncale at (703) 875-7041/5655. ♦

Prohibited Destinations

Change in International Traffic in Arms Regulations

Final notification of the following rule change, which applies to section 126.1 of the International Traffic in Arms Regulations (ITAR) ("Prohibited exports and sales to certain countries."), appeared in the *Federal Register* (Volume 56, Number 209, Tuesday, October 29, 1991, pages 55630-55631). The notice reads as follows:

International Traffic in Arms Regulations; Amendments

Summary: The Department of State is formally removing Chile, Poland, Hungary, Czechoslovakia, East Germany, and South Yemen (PDRY) from the list of proscribed destinations for exports of defense articles and defense services in the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130) and is expressly adding Iraq to the list of proscribed destinations. Additionally, this notice revises §§ 126.1(c) and 126.1(c)(2) to reflect current export policy on South Africa in light of the termination of the major sanctions against South Africa imposed under the Comprehensive Anti-Apartheid Act of 1986.

Effective Date: October 29, 1991.

For Further Information Contact:
Rose Marie H. Biancaniello,
Chief, Arms Licensing Division,
Office of Defense Trade Controls,
Bureau of Politico-Military Affairs
U.S. Department of State
Washington, D.C. 20522-0602
Telephone: (703) 875-6644.

Supplementary Information The ITAR is being amended to reflect changes in export policy affecting several countries.

On December 1, 1990, the Secretary of State made a determination pursuant to section 726 of the International Security and Development Cooperation Act of 1981 and offi-

cially removed Chile from the prohibition codified in § 126.1(e) of the ITAR. The arms embargo against Chile terminated at that time. Section 126.1(e) of the ITAR is being amended to reflect this change.

On September 1, 1990, the Acting Secretary of State determined that Iraq had repeatedly provided support for acts of international terrorism and thereby returned Iraq to the terrorism list currently contained in § 126.1(d) of the ITAR. Iraq will now be subject to the requirements of section 40 of the Arms Export Control Act and the policy specified in § 126.1(a) of the ITAR.

At the same time, South Yemen (the former PDRY) was removed from the official list of terrorism supporting countries. (South Yemen had merged with the Yemen Arab Republic to form the Republic of Yemen and ceased to exist as a state entity.)

Poland, Hungary, Czechoslovakia, and the geographical region previously known as the German Democratic Republic (or East Germany) are being deleted from the list of proscribed countries contained in § 126.1(a) of the ITAR. Thus, the Department will consider applications for licenses for the export of U.S. munitions list items to these areas on a case-by-case basis.

Finally, on July 10, 1991, the President issued Executive Order Number 12769, in which he concluded that the major sanctions against South Africa contained in title III of the Comprehensive Anti-Apartheid Act of 1986 (CAAA) had terminated. The preexisting arms embargo against South Africa was not affected by the President's action. Thus, the only effect of the termination of the CAAA sanctions with respect to arms exports is that advance Congressional notification is not required before any license may be approved by the State Department. Section 126.1(c) is being amended to delete references to the CAAA and to state the current policy on exports of munitions items to South Africa.

Current U.S. policy refers to the country previously known as "Kampuchea" by the name "Cambodia." As a technical change, the ITAR is being amended to reflect current U.S. Government usage.

This amendment involves a foreign affairs function of the United States and thus is excluded from the major rule procedures of Executive Order Number 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. This final rule does not contain a new or amended information requirement subject to the Paperwork Reduction Act [44 U.S.C. 3501 *et. seq.*]

List of subjects in 22 CFR Part 126

Arms and Munitions, Exports.

Accordingly, for the reasons set forth in the preamble, and under the authority of the Arms Export Control Act, the State Department is adopting the following amendments to 22 CFR part 126.

Part 126—Amended

1. The authority citation for part 126 is revised to read as follows:

Authority: Sec. 38, sec. 42, Arms Export Control Act, 90 Stat. 744 [22 U.S.C. 2778, 2780]; E.O. 11958, 42 FR 4311, E.O. 11322, 32 FR 119; 22 U.S.C. 2658.

2. Section 126.1 is amended by revising paragraphs (a), (c), and (d), by removing paragraph (e), and by redesignating paragraph (f) as new paragraph (e) to read as follows:

§ 126.1 Prohibited exports and sales to certain countries.

(a) *General.* It is the policy of the United States to deny licenses and other approvals with respect to defense articles and defense services destined for or originating in certain countries or areas. This policy also applies to exports to and imports from these countries or areas. This policy applies to Albania, Bulgaria, Cambodia, Cuba, Estonia, Latvia, Lithuania, North Korea, Outer

Mongolia, Romania, the Soviet Union, and Vietnam. This policy also applies to countries or areas with respect to which the United States maintains an arms embargo (e.g., Angola) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy interests of the United States. The exemptions provided in the regulations in this subchapter, except § 128.17 and § 125.4(b)(13) of this subchapter, do not apply with respect to exports to or originating in any of such proscribed countries or areas.

* * * * *

(c) *South Africa.* South Africa is subject to an arms embargo and thus to the policy specified in paragraph (a) of this section. Exceptions may be made to this policy only if the Assistant Secretary for Politico-Military Affairs determines that:

(1) The item is not covered by United Nations Security Council Resolution 418 of November 4, 1977; and

(2) The item is to be exported solely for commercial purposes and not for use by the armed forces, police, or other security forces of South Africa or for any other similar purpose.

(d) *Terrorism.* Exports to countries that have repeatedly provided support for acts of international terrorism are contrary to the foreign policy of the United States and are thus subject to the policy specified in paragraph (a) of this section and the requirements of section 40 of the Arms Export Control Act (22 U.S.C. 2780). The countries in this category are Cuba, Iran, Iraq, Libya, Syria, and North Korea. These are the same countries identified pursuant to section 6(j) of the Export Administration Act, as amended [50 U.S.C. App. 2405(j)].

* * * * *

Dated: September 20, 1991

Lawrence S. Eagleburger
Acting Secretary of State ♦

DEPARTMENTS

U.S. Customs at DTC



The Role of Port Coordinators in Exporting

The U.S. Customs Service, Office of Enforcement, has designated EXODUS Port Coordinators at most offices headed by a Special Agent-in-Charge (SAC) or Resident Agent-in-Charge (RAC). The Port Coordinator, who is usually a Senior Special Agent, may perform the following duties:

- Act as the conduit between the EXODUS Command Center and the EXODUS teams. All changes in EXODUS procedures, Commerce and State Department regulations, reporting requirements, etc., will be sent directly to the Port Coordinator for distribution to his/her EXODUS team;

- Conduct or coordinate preliminary investigations on all seizures. Ensure that investigations with potential are initiated;

- Receive intelligence and information from U.S. Customs Headquarters, the enforcement teams, local agencies, industry, and other SAC/RAC offices. Disseminate them to the EXODUS teams and/or agents so that they can be incorporated into port alerts or investigations;

- Originate intelligence on strategic technology diversions and munitions control violations and disseminate it to the appropriate officials;

- Serve as liaison with local industry and other enforcement/regulatory agencies;

- Notify exporters of EXODUS detentions and seizures of merchandise; and

- Present talks to trade meetings, etc., on Operation EXODUS. Represent U.S. Customs with local news media on specific investigations or seizures.

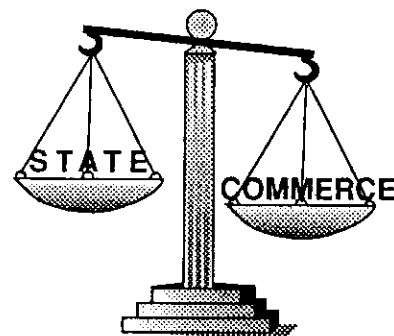
To request a presentation for your company or organization, or to report any suspicious activities indicating a possible illegal export or diversion, please contact one of the Port Coordinators listed on these pages. ♦

U.S. CUSTOMS PORT	PORT COORDINATOR	PHONE NUMBER
Atlanta, GA	Tom Martin	404-763-7761
Baltimore, MD	Tom Baumgardner	410-962-2622
Blaine, WA	Larry Brown	206-332-6725
Boston, MA	Kenneth MacDonald	617-565-7400
Charleston, SC	Frederick Gleffe	803-724-4119
Chicago, IL	Sheila O'Neill	312-353-8450
Columbia, SC	Scott Davis	803-765-5430

U.S. CUSTOMS PORT	PORT COORDINATOR	PHONE NUMBER
Columbus, OH	Peter Decensi	614-469-5705
Corpus Christi, TX	Alonzo Pena	512-888-3501
Dallas, TX	Timothy O'Connor	214-767-2011
Denver, CO	Jim Roth	303-844-4976
Detroit, MI	Paul Sward	313-226-3166
Eagle Pass, TX	Jack Moore	512-773-7877
Falcon Dam, TX	Steve Stow	512-844-5243
Ft. Myers, FL	Anthony Mullen	813-443-1773
Grand Rapids, MI	Jack Stowell	616-235-3936
Greenville, SC	Mike Darnell	803-235-0519
Guam	Ron Wolflick	671-472-7265
Gulfport, MS	Steve Jenkins	601-864-1274
Huuma, LA	Adrian Fortier	504-851-0179
Houston, TX	Gene Lowery	713-653-5300
Kansas City, MO	Richard Kresl	816-374-6426
Key West, FL	William Leonard	305-294-1703
Lafayette, LA	Sandra Wellman	318-264-6619
Lake Charles, LA	Gene Steech	318-437-7238
Laredo, TX	Jon-Ali Kundak	512-726-6210
Little Rock, AR	Gene King	501-378-7345
Los Angeles, CA	Mickey Baker	213-514-6231
McAllen, TX	Michael Schuster	512-682-1366
Miami, FL	Joseph Catanzarite	305-597-6175
Milwaukee, WI	William Docken	414-297-3231

U.S. CUSTOMS PORT	PORT COORDINATOR	PHONE NUMBER
Mobile, AL	Henry Brown	205-690-2146
Naples, FL	Robert Averitt	813-643-4554
Newark, NJ	Tom Dombrowski	201-645-3770
New Haven, CT	Maryann Caggiano	203-773-2155
New Orleans, LA	David Erkin	504-589-2747
New York, NY	Peter Angelino	212-466-5945
Orlando, FL	Paul Hamrick	407-648-6847
Norfolk, VA	Robert M. Taylor	804-441-6533
Portland, OR	Kenneth Howaniec	503-326-2711
Rouses Point, NY	Robert Lowe	518-297-6661
San Antonio, TX	William Mayer	512-229-4571
San Francisco, CA	Ronald Corte	415-705-4070
San Juan, PR	William Castillo	809-498-6975
Seattle, WA	Daryl McClary	206-442-7531
Shreveport, LA	Jacque Duck	318-226-5351
St. Thomas, VI	George Guzman	809-774-7409
Tampa, FL	Robert Siberski	813-225-7638
W. Palm Beach, FL	Lawrence O'Donnell	407-659-4606
Wilmington, NC	James George	919-343-4899

Commodity Jurisdiction Determinations



The following chart provides selected commodity jurisdiction (CJ) determinations. The commodity descriptions are intentionally general to ensure the confidentiality of all proprietary information related to individual cases. These determinations apply only to the specific commodity reviewed in the CJ process. If you believe one of your products is similar to one of those listed as having been placed on the Commerce Department's Commerce Control List (CCL), please submit a CJ request letter (ITAR 120.5). Please refer to the articles "A Checklist for Preparing CJ Requests" in Vol. 1, No. 3, September 1990, and "Class and Multiple CJ Requests" in Vol. 3, No. 1, January 1992, for guidance in preparing the CJ request letter.

COMMODITY	JURISDICTION	COMMODITY	JURISDICTION
Accelerometers/Inertial Navigation Systems used in Missile Systems	USML VIII(g)	Computer System for Acquisition and Logistics Management	CCL **
Access Control Software	CCL **	Data Base Management System	CCL **
Accessories for Shotguns	CCL ECCN 6999G	Data Recording Set specifically designed for use on Military Aircraft	USML VIII(j)
Air Traffic Control Training Systems	CCL ECCN 6E23B	Dies and Molds for Bullets	USML III(d)
When modified with a Military Data Base	USML IX(a)	Non-Automatic Hand Loading Machines	CCL **
For use on ships	USML IX(a)	Automatic Bullet Loading machines	USML III(d)
Airborne Communications System	USML XI(a)	Diesel Engines and Components	CCL **
Airborne Weather Radar	CCL ECCN 1501A	Digital Compass Sensor	CCL ECCN 7A94F
Aircraft Constant Speed Drives and Electrical Power Generating Systems	CCL ECCN 6498F	Direction Finder designed to test Military Radios	USML XI(c)
When specially designed for Military Aircraft	USML VIII(p)	Dispersing Delay Line for System that evaluates Tank Fire Control Systems	USML XII(e)
Aircraft Turbofan Engine	CCL **	Electric Fireworks Ignitors	CCL **
Authentication and Verification Software	CCL **	Electrical Connector Plugs	CCL ECCN 3A96G
Authentication System Software with DES	USML XIII(b)	Emergency Escape Breathing Device	CCL ECCN 9A96G
Automated Scanning Systems and Data Storage Systems	CCL 1B96G	External Software Decryption Program	CCL ECCN 3A01A
Avionics Switches	CCL ECCN 9A94F	Associated Encryption Implementation Program	USML XIII(b)
Associated Night Vision Device	USML XI(a)	Facsimile Interface Device	CCL **
Battery Packs specially designed for Military Radios	USML XI(e)	When modified to meet TEMPEST standards	USML XIII(b)
Cable Cutter	CCL **	Floating Drydock	CCL ECCN 6499G
Carbon Fibers	CCL **	General Engineering Design Software	CCL ECCN 2D96G
Cathode Ray Tubes	CCL ECCN 3A96G	Heads-Up Display for Civil Aircraft	CCL ECCN 6398F
Circuit Cards designed for Military Communications Equipment	USML XI(e)	Helix Support Rods	CCL **
Collimators and Blackbody Sources	CCL ECCN 1502A	Helix Traveling Wave Tubes (TWT)	CCL **
When specifically configured for Military Weapons Systems	USML XII(c)	Specially designed for Military Use	USML XI(c)
Commercial Engines used by the Military	CCL **	Frequency greater than 18 GHz	USML XI(e)
Specially designed components for Military Vehicles	USML VII(h)	Minimum peak power 2.1 kW	USML XI(e)
Commercial Modem	CCL ECCN 1527A	Minimum Continuous Wave (CW) power 300 watts	USML XI(e)
Commercial Radio Equipment	CCL ECCN 6598F	Instantaneous Bandwidth 1 Octave or higher	USML XI(e)
Computer Equipment designed for Military Application	USML XI(a)	Inflatable Life Vests	CCL ECCN 6499G
		Intensified Multispectral Camera	USML XII(a)

Interface Transformers and Data Bus Couplers and Terminators	CCL **	Rotary Control Ball Valve designed for U.S. Navy	USML VI(b)
Interface Transformers and Data Busses	CCL **	Rotary Control Valves	CCL ECCN 1B96G
Joint Mission Planning System Software	USML XI(a)	Ruggedized Chassis for Commercial Computers	CCL **
Keyboard Panel for Aircraft Transceiver with Signal Hopping Capabilities	USML XI(a)(2)	Ruggedized Dot Matrix Printer with EMI capability	USML XI(e)
Magnesium Powder	CCL **	Ruggedized Video Recorders and Players	CCL ECCN 1572A
When 99% pure and particles smaller than 60 micrometers	USML V(c)	Secure Telecommunications Equipment	USML XIII(b)
Magnetic Cards and Terminals	CCL **	Signalling Equipment used for Fire and Security Alarms	CCL **
Management Software Program	CCL **	Single Sapphire Crystals for use in Tactical Missiles	USML IV(h)
Membrane Separation Systems for Nitrogen and Floxal Gas Supply Systems	CCL ECCN 1B96G	Smart Cards with Encryption Initialized and Personalized	CCL **
Metal Matrix Composite	CCL **	Not Initialized and Personalized	USML XIII(b)
When specially designed for Military Application	USML XIII(d)	Software Communications Package	CCL Cat 5D
Metallic Powder used in Infrared Smoke	USML V(e)	Software for designing Radiation Hardened Integrated Circuits	CCL ECCN 3D21B
Microwave Amplifiers for Navy Fire Control System	USML XII(c)	Software Program for Specification Electromagnetic Analysis	CCL ECCN 3D96G
Microwave Components, and Solid State Devices	CCL ECCN 3A01A	Software used in designing Propellant Systems	USML IV(h)
Mine Clearing Device	USML IV(c)	Solar Window Film and Thermal Blanket Material	CCL **
Miniature Optical Shaft Encoders	CCL ECCN 6599G	Sound Simulator	CCL ECCN 3A93A
When designed for Military Equipment	USML ¹	When specially designed or modified for use in Military Training Systems	USML IX(b)
Monolithic Microwave Integrated Circuits (MMIC) made of Gallium Arsenide (GaAs) operating in the 2 - 25 GHz range	USML XI(e)	Special Daylight Avionics Switches For Night Vision Imaging Systems	CCL ECCN 9A94F
Movement Detection System	USML XI(c)	Subminiature Rate Gyroscope	USML XI(a)
Multi-protocol Network Software using DES		When Integrated into an FAA Certified Civil Aircraft	USML VIII(g)
Object Code	CCL **	Subscriber Television System	CCL7A02A
Source Code	USML XIII(b)	Tank Training System	CCL **
Multibeam Bathymetric Sonar System	CCL ECCN 6A01A	Data Base for Tank Training System	USML IX
Non-DES Based Banking Transaction Software	CCL **	Individual Parts and Components without Data Base	USML IX(b)
Non-DES Based Security Software Package	CCL **	Individual Components or Parts with Data Base Integrated	CCL Cat 4
Personal Identification Number Selector System	CCL **	Target Radar Simulator	USML IX(b)
Prediction Software developed for Missile and Rocket Design	USML XVIII	Technical Data for a Hypersonic Wind Tunnel Nozzle	CCL ECCN 1501A
Pressure Transducers and Transmitters	CCL ECCN 9A96G	Telephone Switching Antenna	CCL ECCN 9B25B
Program Planning, Cost Estimating, and Risk Assessment Software Models	CCL **	Towed Aerial Targets	USML XII(a)
Protein Crystallization Experiment to be used in a Space Station Experiment	CCL ECCN 1E96G	Transformers designed for Missiles	USML IX(a)
Radar Absorbing Metal Powders	USML XIII(e)	Turbine Engine Ignition System	USML IV(h)
Rectifiers or Diodes	CCL ECCN 6599G	Turbo-Prop Military Trainer Aircraft	CCL ECCN 6498F
Reflectance Spectrometer	CCL ECCN 6599G	Specially Designed Parts and Components	USML VIII(a)
Remotely Piloted Vehicles, Aerial Targets, Associated Launching Platforms and Laser Detection Systems	USML VIII	Unmanned Aerial Vehicle	USML VIII(j)
Reverse Osmosis Water Purification Unit	CCL ECCN 2A96G	Voice Privacy Device for Telephones	USML VIII(a)
Rings made for Image Intensifier Tubes	USML XII(c)		CCL **

Note 1: USML category is the same as the item for which this part or component was designed.

** A specific Export Commodity Classification Number (ECCN) was not provided by the Department of Commerce. For the ECCN number, please file a commodity classification request with the Bureau of Export Administration (BXA), Department of Commerce, P.O. Box 273, Washington, DC 20044.

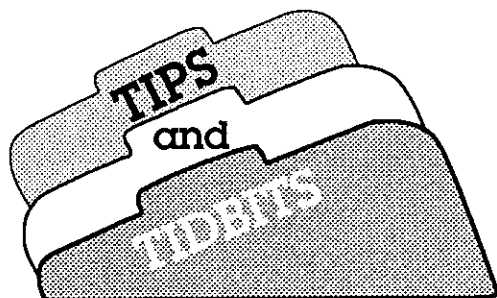
Personnel Updates

Charles A. Ray reported as the Special Assistant to the Director of the Office of Defense Trade Controls in September 1991. He arrived from the American Consulate General in Chiang-Mai, Thailand, after a 3-year tour as the Administrative Officer. In his current position, Mr. Ray oversees and coordinates Congressional affairs and special projects for the Director. Mr. Ray brings 10 years of State Department and 20 years of Army experience to this assignment. In a previous Foreign Service assignment, Mr. Ray spent 4 years in China.

David Shapiro joined the Office of Defense Trade Policy (DTP) as a Politico-Military Affairs Officer in October 1991. A Foreign Service Officer with experience in Sudan, Israel, and Australia, he served a year with the Multinational Force and Observers in the Sinai and covers Middle East issues for DTP. His private sector experience includes law, accounting, and marketing. He holds an undergraduate and law degree from the University of Pennsylvania and an MBA from Columbia University.

Constance D. Reese. On January 28, 1992, Miss Reese succumbed to a short-term illness at Georgetown University Hospital in Washington, D.C. She was loved and respected by all she touched. Miss Reese served for 4 years as Secretary to the Chief of the Arms Licensing Division (ALD) in the Office of Defense Trade Controls (DTC). In 1991, she was selected as Secretary of the Year for the Bureau of Politico-Military Affairs in recognition of her outstanding achievements and professionalism.

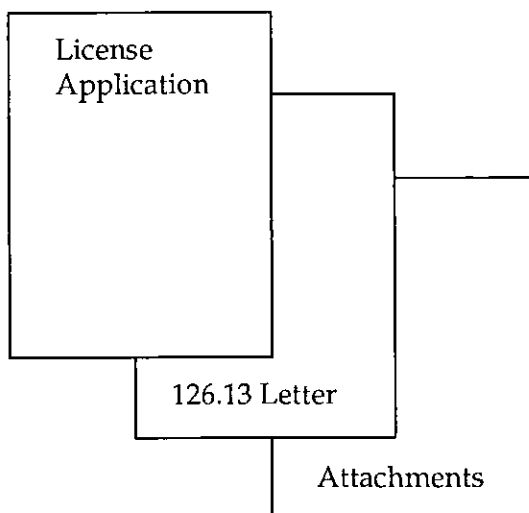
Miss Reese graduated from Southampton High School in Courtland, Virginia, and received an Associate's Degree in Art from Paul D. Camp Community College in Franklin, Virginia. She previously worked as an Administrative Secretary with the Securities and Exchange Commission, and transferred to the U.S. Department of State in 1987. Connie filled her 32 years with many worthwhile accomplishments and wholesome interests. Her family, friends, and colleagues miss her presence, and cherish her memory.



EXPEDITING YOUR DOCUMENTS

The Administrative Section in the Office of Defense Trade Controls (DTC) receives approximately 250 applications every business day. Upon receipt, personnel review each application for data entry before delivering it to the appropriate Licensing Officer (LO).

Several companies have adopted a standard order in which they package their documents. This ordering saves processing time, since the person who reviews the application knows where to look for each separate document. We, therefore, encourage you to package your documents as follows for minimum delays and maximum service (see illustration): license application; letter signed by responsible official empowered by applicant and addressed to Director of DTC (section 126.13 of the International Traffic in Arms Regulations, or ITAR); and attachments.



VISITING DTC

Security procedures in the building housing the Office of Defense Trade Controls (DTC) have recently changed. Visitors may still enter the first floor at Nash Street, and may also come into the lobby level through the newly-opened Lynn Street and N. Fort Myer Drive doors. Visitors must present identification at the guard desk on either level, sign in, and receive a Visitor's Badge before entering the elevators. The Lynn Street and N. Fort Myer Drive entrances are open from 8:15 am to 5 pm, Monday through Friday except holidays. The Nash Street entrance remains open 24 hours every day.

PARCEL DELIVERIES TO DTC

When addressing parcels for courier delivery to the Office of Defense Trade Controls (DTC), located on 1701 N. Fort Myer Drive in Arlington, Virginia, please specify "Nash Street Entrance." Due to security measures, couriers may not deliver directly to our office; DTC office personnel must retrieve courier deliveries and do so at the first floor entrance on Nash Street. Since couriers may now enter on either the lobby or first floors, package pickup could be delayed by confusion about lobby versus first floor entrances, by elevator stoppages, and by personnel shortages. To prevent such occurrences, mark your packages clearly for delivery to the Nash Street entrance. ♦

CORRECTIONS

For the Defense Investigative Service (DIS) office in Phoenix, AZ, the correct ZIP Code is 85012-2002, and the phone numbers are (602) 640-2448, (FTS) 261-2448. Please make these changes at the top left column, page 15, in the Vol. 2, No. 4, October 1991 issue of *Defense Trade News*. We thank DIS personnel for bringing these corrections to our attention.

Training—Relief Is Just A Letter Away

Are export procedures giving you or your employees headaches? The Office of Defense Trade Controls (DTC) can design a seminar on export licensing policies and procedures with your specific needs in mind. Seminars are held in DTC's main conference room on the second floor at 1701 N. Fort Myer Drive, Arlington, VA.

DTC normally holds two seminars per month if demand warrants. Seating constraints limit attendance to 30 people per seminar. Normal training sessions are half-day, but they can be extended according to the needs of the participants. Small companies are encouraged to apply for these training sessions. We combine participants from different companies each month to make up a session. Larger companies might have enough personnel to take up all of the available spaces in a session, in which case, we will schedule a special session for that company.

In order to request a training seminar, please complete the application below and return it to DTC.

1. Type(s) of Training Desired

- | | |
|--|--|
| <input type="checkbox"/> Completion of Applications | <input type="checkbox"/> Registration Requirements |
| <input type="checkbox"/> Country Licensing Policies | <input type="checkbox"/> Congressional Requirements |
| <input type="checkbox"/> COCOM Requirements | <input type="checkbox"/> Agreement Requirements |
| <input type="checkbox"/> U.S. Customs EXODUS Program | <input type="checkbox"/> Commodity Jurisdiction Requests |
| <input type="checkbox"/> Processing of Requests | <input type="checkbox"/> Licensing Foreign Nationals |
| <input type="checkbox"/> Other subject areas you wish covered: _____ | |

(fold on this line)

2. Number of individuals wishing to attend from your firm. _____

3. Please list the primary U.S. Munitions List category(ies) of defense articles, services, and/or technical data in which your firm usually deals.

1. _____ 2. _____ 3. _____ 4. _____

4. Name of Company/Individual _____

DTC Registration Code _____

Address _____

Point of Contact _____

Phone (____) _____ - _____ (____) _____ - _____
Direct Line DataFax

5. Would your company be interested in briefing DTC about your products or services?

_____ Yes _____ No

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Bureau of Politico-Military Affairs
U.S. Department of State
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CONTACTING THE CENTER FOR DEFENSE TRADE (CDT)

Director, Center for Defense Trade
PM, Room 7321
Bureau of Politico-Military Affairs
U.S. Department of State
Washington, D.C. 20520-7321
(202) 647-6977

Office of Defense Trade Controls (DTC)

Office of Defense Trade Policy (DTP)

Postal Mailing Address

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Bureau of Politico-Military Affairs
U.S. Department of State
Washington, D.C. 20522-0602

PM/DTP, Room 7815
Office of Defense Trade Policy
Bureau of Politico-Military Affairs
U.S. Department of State
Washington, D.C. 20520-7815

Express Mail and Courier Delivery Address

PM/DTC, Room 200
Office of Defense Trade Controls
Bureau of Politico-Military Affairs
U.S. Department of State
1701 N. Fort Myer Drive (Nash St. Entrance)
Arlington, VA 22209-3113

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 ALISS (Telephonic): (703) 875-7374
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