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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 732, 734, 740, 742, 743, 748, 750, 758, 762, 772 and 774

[Docket No. XX]

RIN 0694-AJ46

Revision of Firearms License Requirements

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY:

DATES: This rule is effective [INSERT DATE 45 DAYS AFTER PUBLICAION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Background

BIS is amending the EAR (15 CFR parts 730-774) by revising the license requirements for firearms and related items. Background regarding these changes is detailed below.

On October 27, 2023, the Department of Commerce (the Department) paused the issuance of new Bureau of Industry and Security (BIS) export licenses involving certain firearms, related components, and ammunition (detailed under Export Control Classification Numbers (ECCNs) 0A501, 0A502, 0A504, and 0A505) under its jurisdiction. This pause applied to all non-governmental end users worldwide, apart from those in certain destinations.

New
ECCNs

During the pause, BIS assessed its firearm export control policies and determined that some changes were warranted to advance U.S. national security and foreign policy interests. The review was conducted with urgency and enabled BIS to more effectively assess and mitigate risk of firearms being diverted to entities or activities that promote regional instability, violate human rights, or fuel criminal activities. By publishing this rule, BIS is taking an additional step to further U.S. national security and foreign policy interests regarding these items. Specific regulatory changes and the associated rationales are detailed below.

- An analysis of international crime gun trace requests indicates that eleven percent (18,749) were attributable to firearms lawfully exported from the United States and later recovered in a foreign country, according to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).^[1] The vast majority of those traces (16,429) were firearms legally exported from the United States and traced to foreign firearm dealers.^[2] Outside of North America, 37% of traces were linked to lawful exports of guns.^[3]

^[1] <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iv-crime-guns-recovered-outside-us-and-traced-le/download>

^[2] <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iv-crime-guns-recovered-outside-us-and-traced-le/download>

^[3] <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iv-crime-guns-recovered-outside-us-and-traced-le/download>

New ECCNs for Semi-automatic Firearms

To better track the flow of semi-automatic firearms, BIS is adding two new ECCNs to supplement no. 1 to part 774. ECCN 0A506 will detail certain semiautomatic rifles and pistols, as well as certain related parts. ECCN 0A507 will detail certain semiautomatic shotguns, as well as certain related parts.

The items detailed under ECCN 0A506 were previously detailed under ECCN 0A501. ECCN 0A506 will have three item paragraphs. Item paragraphs .a and .b will

0A506
0A507

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detail semiautomatic rifles and semiautomatic pistols equal to .50 caliber (12.7 mm) or less, respectively; item paragraph .c will detail receivers (frames) (including castings, forgings, stampings, or machined items thereof) that are “specially designed” for item detailed under item paragraphs .a and .b. The ECCN also includes a technical note stating that firearms described in 0A506 includes those chambered for the .50 BMG cartridge. The reasons for control for new ECCN 0A506 remain unchanged from the reasons for control for ECCN 0A501: National Security (NS) Column 1, Regional Stability (RS) Column 1, Firearms Convention (FC) Column 1, United Nations Security Council arms embargo (UN), and Anti-Terrorism (AT) Column 1 all apply the entire entry. License Exceptions Shipments of Limited Value (LVS), Shipments to Country Group B Countries (GBS), and paragraph (c)(2) of Strategic Trade Authorization (STA) are not available for use with ECCN 0A506.

PO
Ref

Outside of the receivers (frames) controlled under ECCNs 0A506.c and 0A507.b, all other firearms and their “parts,” “components,” “accessories,” “attachments,” and equipment that were previously controlled under ECCNs 0A501 and 0A502 remain controlled under their original locations.

The creation of ECCNs 0A506 and 0A507 from items previously controlled under ECCNs 0A501 and 0A502 resulted in the need for conforming changes throughout the EAR where special provisions applied to one or both of the original ECCNs. Those provisions will now reference either or both ECCNs 0A506 and 0A507 where appropriate. The conforming changes are made in the following places:

Import Certificate Requirements

Some countries already require this (e.g., OAS members). BIS can impose requirement to obtain import certificate for exports to all importing countries that require

Import
Certs

one to help ensure some level of local government oversight into quantity of firearms authorized to enter the country.

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Purchase Order Requirements

new

Requiring submission of a purchase order may help address aspirational licensing, where BIS currently licenses projected sales over a 4-year period but less than 20% of licensed quantities are generally exported. Purchase orders will help match bona fide local demand with licensed quantities. Purchase orders must be dated within 1 year of license application.

For easier understanding by the public, BIS is rearranging paragraphs (aa) and (bb) to supplement no. 2 to part 748, such that old (aa) paragraph detailing “600 Series Major Defense Equipment” is now paragraph (bb); there are no further changes to new paragraph (bb). Old paragraph (bb) detailing “semiautomatic firearms controlled under ECCN 0A501.a” is now paragraph (aa), such that it follows paragraph (z) detailing “exports of firearms and certain shotguns temporarily in the U.S.” It is more logical to the reader to have the contents of paragraphs (z) and new paragraph (aa) together, rather than separated by the contents of new paragraph (bb).

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New paragraph (aa) is now broadened for the unique application and submission requirements for exports of other firearms and certain shotguns. The contents of the original paragraph, “semiautomatic firearms controlled under ECCN 0A501.a,” will now be designated under (aa)(1) with conforming details to the title corresponding to the addition of new ECCNs detailed elsewhere in this rule. New paragraph (aa)(2) requires the submission of purchase documentation (e.g., a purchase order or other appropriate documentation) with the submission of license applications for the items controlled under

ECCNs 0A501, 0A502, 0A504, 0A505, 0A506 and 0A507 to destinations other than Country Group A:1. (The Country Groups are detailed under supplement no. 1 to part 740.) New paragraph (aa)(2) corresponds to a change detailed below.

↓
Passport or National Identity Card Requirements *new*

Can help with vetting coordination with local law enforcement, address diversion issues, and support enforcement efforts if violations are identified.

License applications for items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, 0A506, and 0A507 to destinations other than Country Group A:1 now require the submission of passport or other national identity card information for all end users of those items. This requirement is detailed under new paragraph (aa)(2) to supplement no. 2 to part 748.

↓
Formalized Interagency Working Group *new*

Ensure proactive tracking of data, active licenses/pending applications, issues in various countries or with specific end users.

Interagency licensing working groups are detailed under § 750.4(d) of the EAR. This rule adds § 750(d)(2)(v), the Firearms Licensing Working Group (FLWG). The FLWG will be chaired by the Department of Commerce and will review license applications involving firearm related items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, 0506, and 0A507.

Reduced License Validity *4 years to 1 year*

Can help address aspirational licensing issue; Can ensure countries/end-users of concern have to come back in for a new license more often and BIS is able to vet

End user ID

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country/end-user more often and determine if a change in circumstances has occurred.

Combined with import certificate/purchase order requirement.

Prior to this rule, the license validity period for a BIS license (with limited exceptions) was four years; however, items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, 0A506, and 0A507 are now limited to a 12-month validity period under § 750.7(g). No other policy changes were made to the validity period of licenses and all other aspects of the license validity period (such as expiration date) continue to apply to these firearms-related items.

Changes to License Exceptions and Related Changes

Section 740.2 of the EAR details restrictions in place for the use on all License Exceptions. Paragraph (a) enumerates these restrictions. This rule makes two changes to this section. First, (a)(22) is revised to include reference to parties with the designation “TCO,” pursuant to the Transnational Criminal Organizations Sanctions Regulations (31 CFR Part 590). Second, this rule adds paragraph (a)(24). New paragraph (a)(24) requires exporters of items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, 0A506, and 0A507 wishing to use a license exception for such items must first obtain an import certification or permit, if the importing country requires one. This parallels the policy detailed above, related to obtaining an import certificate when applying for a license.

License Exception LVS is detailed under § 740.3. BIS is further restricting the eligible destinations for LVS under paragraph (b). LVS is no longer available for ECCNs with the 0x5zz structure when destined for countries in “CARICOM” or countries in both Country Groups B and D:5. The addition the “CARICOM” definition is detailed below.

License Exception Baggage (BAG) is detailed under § 740.14. BAG authorizes individuals leaving the United States either temporarily (i.e., traveling) or longer-term (i.e., moving) and crew members of exporting or reexporting carriers to take, as personal baggage, the certain items. With this rule, when using BAG, the destination eligibility for items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, and 0A506 is limited to countries other than those in Country Group D:5 (except for Zimbabwe and “CARICOM” countries).

Prior to this rule, “CARICOM” was not defined in the EAR; it is now defined under § 772.1, which lists the definitions of terms used in the EAR. “CARICOM” is defined follows: An intergovernmental organization that consists of the following member states and associate members: member states: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Lucia, Suriname, St. Kitts and Nevis, St. Vincent and the Grenadines, and Trinidad and Tobago; associate members: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, and Turks and Caicos. The definition of “CARICOM” also includes a note stating that outside of the applicable sections of the EAR (§§ 740.3 and 740.14) for this definition, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, and Turks and Caicos retain the same licensing treatment as the United Kingdom.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. sections 4801–4852. ECRA, as amended,

provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. BIS has examined the impact of this rule as required by Executive Orders 12866, 13563, and 14094, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). This rule is considered a "significant regulatory action" under section 3(f) of Executive Order 12866.
2. Notwithstanding any other provision of law, no person may be required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves a collection currently approved by OMB under control number 0694-0088, Simplified Network Application Processing System. This collection includes, among other things, license applications and commodity classification, and carries a burden estimate of 29.6 minutes for a manual or electronic submission for a total burden estimate of 31,835 hours. BIS does not expect the burden hours associated with this collection to change.
3. This rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

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4. Pursuant to Section 1762 of ECRA (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation and delay in effective date.

5. Because neither the Administrative Procedure Act nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable. Accordingly, no Final Regulatory Flexibility Analysis is required and none has been prepared.

List of Subjects

15 CFR Part 732, 740, 750, and 758

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 734

Administrative practice and procedure, Exports, Inventions and patents, Research, Science and technology.

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 743

Administrative practice and procedure, Reporting and recordkeeping requirements.

15 CFR Part 748

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Administrative practice and procedure, Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 762

Administrative practice and procedure, Business and industry, Confidential business information, Exports, Reporting and recordkeeping requirements.

15 CFR Part 772

Exports.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 732, 734, 740, 742, 743, 748, 750, 758, 762, 772 and 774 of the Export Administration Regulations (15 CFR parts 730-774) are amended as follows:

PART 732 – STEPS FOR USING THE EAR

4. The authority citation for 15 CFR part 732 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

5. Section 732.2 is amended by revising paragraph (b) to read as follows:

§ 732.2 Steps regarding scope of the EAR.

(b) **Step 2: Publicly available technology and software.** This step is relevant for both exports and reexports. Determine if your technology or software is publicly available as defined and explained at part 734 of the EAR. The Bureau of Industry and Security (BIS) website at <https://www.bis.doc.gov> contains several practical examples describing publicly available technology and software that are outside the scope of the EAR under the FAQ section of the website. See the FAQs under the heading, EAR Definitions, Technology and Software, Fundamental Research, and Patents FAQs at <https://www.bis.doc.gov/index.php/documents/compliance-training/export-administrationregulations-training/1554-ear-definitions-faq/file>. The examples are illustrative, not comprehensive. Note that encryption software classified under ECCN 5D002 on the Commerce Control List (refer to supplement no.1 to Part 774 of the EAR) is subject to the EAR even if publicly available, except for publicly available encryption object code software classified under ECCN 5D002 when the corresponding source code meets the criteria specified in § 740.13(e) of the EAR. The following also remains subject to the EAR: “Software” or “technology” for the production of a firearm, or firearm frame or receiver, controlled under **ECCN 0A501**, as referenced in § 734.7(c) of the EAR).

(1) If your technology or software is publicly available, and therefore outside the scope of the EAR, you may proceed with the export or reexport if you are not a U.S. person subject to General Prohibition Seven. If you are a U.S. person, go to Step 15 at § 732.3(j) of this part. If you are a U.S. person and General Prohibition Seven concerning proliferation activity of U.S. persons does not apply, then you may proceed with the export or reexport of your publicly available technology or software. Note that all U.S. persons are subject to the provisions of General Prohibition Seven.

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(2) If your technology or software is not publicly available and you are exporting from the United States, skip to the Step 7 in § 732.3(b) of this part concerning the general prohibitions.

(3) If you are exporting items from a foreign country, you should then proceed to Step 3 in paragraph (c) of this section and the other steps concerning the scope of the EAR.

PART 734 – SCOPE OF THE EXPORT ADMINISTRATION REGULATIONS

6. The authority citation for 15 CFR part 734 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; Notice of November 8, 2022, 87 FR 68015 (November 10, 2022).

7. Section 734.7 is amended by revising paragraph (c) to read as follows:

§ 734.7 Published.

(c) The following remains subject to the EAR: “software” or “technology” for the production of a firearm, or firearm frame or receiver, controlled under ECCN 0A501, that is made available by posting on the internet in an electronic format, such as AMF or G-

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code, and is ready for insertion into a computer numerically controlled machine tool, additive manufacturing equipment, or any other equipment that makes use of the “software” or “technology” to produce the firearm frame or receiver or complete firearm.

PART 740 – LICENSE EXCEPTIONS

15. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 7201 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

16. Section 740.2 is amended by revising paragraphs (a)(21) through (23) and adding paragraph (a)(24) to read as follows:

§ 740.2 Restrictions on all License Exceptions.

(a) ***

(21) The reexport or transfer (in-country) of firearms classified under ECCNs 0A501 or 0A502 if a part or component that is not “subject to the ITAR,” but would otherwise meet the criteria in USML Category I(h)(2) (*i.e.*, parts and components specially designed for conversion of a semiautomatic firearm to a fully automatic firearm) is incorporated into the firearm or is to be reexported or transferred (in-country) with the firearm with “knowledge” the part or component will be subsequently incorporated into the firearm.

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(See USML Category I(h)(2)). In such instances, no license exceptions are available except for License Exception GOV (§ 740.11(b)(2)(ii)).

(22) The export, reexport, or transfer (in-country) of any item classified under a 0x5zz ECCN when a party to the transaction is designated on the Department of the Treasury, Office of Foreign Assets Control (OFAC), Specially Designated Nationals and Blocked Persons (SDN) list under the designation [SDNT], pursuant to the Narcotics Trafficking Sanctions Regulations, 31 CFR part 536, under the designation [SDNTK], pursuant to the Foreign Narcotics Kingpin Sanctions Regulations, 31 CFR part 598, or under the designation [TCO], pursuant to the Transnational Criminal Organizations Sanctions Regulations, 31 CFR Part 590.

(23) Exports, reexports, or transfers (in-country) of semiautomatic firearms controlled under ECCN 0A501.a sold under a contract or otherwise part of an export that includes \$4,000,000 or more of such items are not eligible for any license exceptions except to personnel and agencies of the U.S. Government under License Exception GOV (§ 740.11(b) of the EAR), for official use by an agency of NATO, or where a license exception would otherwise be available for the export, reexport, or transfer (in-country) of such items to a destination specified in Country Groups A:5 or A:6 (see supplement no. 1 to part 740 of the EAR) except Mexico, South Africa, or Turkey.

(24) Exporters of items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, 0A506, and 0A507 wishing to use an EAR license exception for such items must first have the consignee obtain an import certification or permit, if the importing country requires one and receive a copy of the import certification or permit prior to using an EAR license exception.

16. Section 740.3 is amended by revising paragraphs (b) and (d) to read as follows:

§ 740.3 Shipments of limited value (LVS).

(b) *Eligible destinations.* This License Exception is available for all destinations in Country Group B (see supplement no. 1 to part 740), provided that the net value of the commodities included in the same order and controlled under the same ECCN entry on the CCL does not exceed the amount specified in the LVS paragraph for that entry. However, License Exception LVS is not available for 0x5zz items when destined for countries in “CARICOM” or countries in both Country Groups B and D:5.

(d) *Additional eligibility requirements and restrictions* —(1) *Eligible orders.* To be eligible for this License Exception, orders must meet the following criteria:

(i) *Orders must not exceed the applicable “LVS” dollar value limits.* An order is eligible for shipment under LVS when the “net value” of the commodities controlled under the same entry on the CCL does not exceed the amount specified in the “LVS” paragraph for that entry. An LVS shipment may include more than one eligible order.

(ii) *Orders may not be split to meet the applicable LVS dollar limits.* An order that exceeds the applicable LVS dollar value limit may not be misrepresented as two or more orders, or split among two or more shipments, to give the appearance of meeting the applicable LVS dollar value limit. However an order that meets all the LVS eligibility requirements, including the applicable LVS dollar value limit, may be split among two or more shipments.

(iii) *Orders must be legitimate.* Exporters and consignees may not, either collectively or individually, structure or adjust orders to meet the applicable LVS dollar value limits.

(2) *Restriction on annual value of LVS orders.* The total value of exports per calendar year to the same ultimate or intermediate consignee of commodities classified under a single ECCN may not exceed 12 times the LVS value limit for that ECCN; however, there is no restriction on the number of shipments provided that value is not exceeded. This annual value limit applies to shipments to the same ultimate consignee even though the shipments are made through more than one intermediate consignee. There is no restriction on the number of orders that may be included in a shipment, except that the annual value limit per ECCN must not be exceeded.

(3) *Orders where two or more LVS dollar value limits apply.* An order may include commodities that are controlled under more than one entry on the CCL. In this case, the net value of the entire order may exceed the LVS dollar value for any single entry on the CCL. However, the net value of the commodities controlled under each ECCN entry shall not exceed the LVS dollar value limit specified for that entry.

Example to paragraph (d)(3):

An order includes commodities valued at \$8,000. The order consists of commodities controlled under two ECCN entries, each having an LVS value limit of \$5000. Commodities in the order controlled under one ECCN are valued at \$3,500 while those controlled under the other ECCN are valued at \$4,500. Since the net value of the commodities controlled under each entry falls within the LVS dollar value limits applicable to that entry, the order may be shipped under this License Exception.

(4) *Prohibition against evasion of license requirements.* Any activity involving the use of this License Exception to evade license requirements is prohibited. Such devices include,

but are not limited to, the splitting or structuring of orders to meet applicable LVS dollar value limits, as prohibited by paragraphs (d)(1) (ii) and (iii) of this section.

(5) *Exports and reexports of encryption “components” or spare “parts.”* For “components” or spare “parts” controlled for “EI” reasons under ECCN 5A002, exports and reexports under this License Exception must be destined to support a commodity previously authorized for export or reexport.

16. Section 740.9 is amended by revising paragraph intro to (a), (b), and (b)(5) to read as follows:

§ 740.9 Temporary imports, exports, reexports, and transfers (in-country) (TMP).

(a) *Temporary exports, reexports, and transfers (in-country).* License Exception TMP authorizes exports, reexports, and transfers (in-country) of items for temporary use abroad (including use in or above international waters) subject to the conditions specified in this paragraph (a). No item may be exported, reexported, or transferred (in-country) under this paragraph (a) if an order to acquire the item, such as a purchase order, has been received before shipment; with prior knowledge that the item will stay abroad beyond the terms of this License Exception; or when the item is for subsequent lease or rental abroad. The references to various countries and country groups in these TMP-specific provisions do not limit or amend the prohibitions in § 740.2 of the EAR on the use of license exceptions generally, such as for exports of 9x515 or “600 series” items to destinations in Country Group D:5. This paragraph (a) does not authorize any export of a commodity controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less

than 18 inches controlled under ECCN 0A502 to, or any export of such an item that was imported into the United States from, a country in Country Group D:5 (supplement no. 1 to this part), or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan. The only provisions of this paragraph (a) that are eligible for use to export such items are paragraph (a)(5) of this section (“Exhibition and demonstration”) and paragraph (a)(6) of this section (“Inspection, test, calibration, and repair”). In addition, this paragraph (a) may not be used to export more than 75 firearms per shipment. In accordance with the requirements in § 758.1(b)(9) and (g)(4) of the EAR, the exporter or its agent must provide documentation that includes the serial number, make, model, and caliber of each firearm being exported by filing these data elements in an EEI filing in AES. In accordance with the exclusions in License Exception TMP under paragraph (b)(5) of this section, the entry clearance requirements in § 758.1(b)(9) do not permit the temporary import of: Firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in a Country Group D:5 country, or that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model designation (if assigned) controlled by 0A501 that is specified under annex A in supplement no. 4 to this part); or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are shipped from or manufactured in a Country Group D:5 country, or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception TMP under paragraph (b)(5) of this section. ***

(b) *Exports of items temporarily in the United States.* No provision of this paragraph (b), other than paragraph (b)(3), (4), or (5), may be used to export firearms controlled by

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ECCN 0A501.a, .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502. ***

(5) Exports of firearms and certain shotguns temporarily in the United States. This paragraph (b)(5) authorizes the export of no more than 75 end item firearms per shipment controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are temporarily in the United States for a period not exceeding one year, provided that:

- (i) The firearms were not shipped from or manufactured in a U.S. arms embargoed country, *i.e.*, destination listed in Country Group D:5 in supplement no. 1 to this part;
- (ii) The firearms were not shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, except for any firearm model controlled by 0A501 that is specified under annex A in supplement no. 4 to this part; and
- (iii) The firearms are not ultimately destined to a U.S. arms embargoed country, *i.e.*, destination listed in Country Group D:5 in supplement no. 1 to this part, or to Russia;
- (iv) When the firearms entered the U.S. as a temporary import, the temporary importer or its agent:

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(A) Provided the following statement to U.S. Customs and Border Protection: “This shipment will be exported in accordance with and under the authority of License Exception TMP (15 CFR 740.9(b)(5))”;

(B) Provided to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value; and

(C) Provided (if temporarily imported for a trade show, exhibition, demonstration, or testing) to U.S. Customs and Border Protection the relevant invitation or registration documentation for the event and an accompanying letter that details the arrangements to maintain effective control of the firearms while they are in the United States; and

(v) In addition to the export clearance requirements of part 758 of the EAR, the exporter or its agent must provide the import documentation related to paragraph (b)(5)(iv)(B) of this section to U.S. Customs and Border Protection at the time of export.

Note 1 to paragraph (b)(5): In addition to complying with all applicable EAR requirements for the export of commodities described in paragraph (b)(5) of this section, exporters and temporary importers should contact U.S. Customs and Border Protection (CBP) at the port of temporary import or export, or at the CBP website, for the proper procedures for temporarily importing or exporting firearms controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502, including regarding how to provide any data or documentation required by BIS.

Note 2 to paragraph (b): A commodity withdrawn from a bonded warehouse in the United States under a 'withdrawal for export' customs entry is considered as 'moving in transit'. It is not considered as 'moving in transit' if it is withdrawn from a bonded warehouse under any other type of customs entry or if its transit has been broken for a processing operation, regardless of the type of customs entry.

Note 3 to paragraph (b): Items shipped on board a vessel or aircraft and passing through the United States from one foreign country to another may be exported without a license provided that (a) while passing in transit through the United States, they have not been unladen from the vessel or aircraft on which they entered, and (b) they are not originally manifested to the United States.

Note 4 to paragraph (b): A shipment originating in Canada or Mexico that incidentally transits the United States en route to a delivery point in the same country does not require a license.

16. Section 740.10 is amended by revising paragraph (b)(1) and (b)(4) to read as follows:

§ 740.10 License Exception Servicing and replacement of parts and equipment (RPL).

(b) Servicing and replacement —

(1) The provisions of this paragraph (b) authorize the export and reexport to any destination, except for 9x515 or “600 series” items to destinations identified in Country Group D:5 (see supplement no. 1 to this part) or otherwise prohibited under the EAR, of commodities and software that were sent to the United States or to a foreign party for servicing and replacement of commodities and software “subject to the EAR” (see § 734.2(a) of the EAR) that are defective or that an end user or ultimate consignee has found unacceptable. The export of firearms controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 temporarily in the United States for servicing and replacement may be exported under paragraph (b)(2) or (3) of this section only if the additional requirements in paragraph (b)(4) of this section are also met.

(4) This paragraph (b)(4) authorizes the export of firearms controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are temporarily in the United States for servicing or replacement for a period not exceeding one year or the time it takes to service or replace the commodity, whichever is shorter, provided that the requirements of paragraph (b)(2) or (3) of this section are met and:

(i) The firearms were not shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to this part;

(ii) When the firearms entered the U.S. as a temporary import, the temporary importer or its agent:

(A) Provided the following statement to U.S. Customs and Border Protection: “This shipment will be exported in accordance with and under the authority of License Exception RPL (15 CFR 740.10(b))”;

(B) Provided to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value; and

(C) Provided (if temporarily imported for servicing or replacement) to U.S. Customs and Border Protection the name, address and contact information (telephone number and/or email) of the organization or individual in the U.S. that will be receiving the item for servicing or replacement; and

(iii) In addition to the export clearance requirements of part 758 of the EAR, the exporter or its agent must provide the import documentation related to paragraph (b)(4)(iii)(B) of this section to U.S. Customs and Border Protection at the time of export.

Note 1 to paragraph (b)(4): In addition to complying with all applicable EAR requirements for the export of commodities described in paragraph (b)(4) of this section, exporters and temporary importers should contact U.S. Customs and Border Protection (CBP) at the port of temporary import or export, or at the CBP website, for the proper procedures for temporarily importing or exporting firearms controlled in ECCN 0A501.a

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or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502, including regarding how to provide any data or documentation required by BIS.

16. Section 740.11 is amended by revising the introductory paragraph to read as follows:

§ 740.11 Governments, international organizations, international inspections under the Chemical Weapons Convention, and the International Space Station (GOV).

This License Exception authorizes exports and reexports for international nuclear safeguards; U.S. government agencies or personnel; agencies of cooperating governments; international inspections under the Chemical Weapons Convention; and the International Space Station. Commodities listed in ECCN 0A501 are eligible only for transactions described in paragraphs (b)(2)(i) and (ii) of this section. Any item listed in a 0x5zz ECCN for export, reexport, or transfer (in-country) to an E:1 country is eligible only for transactions described in paragraphs (b)(2)(i) and (ii) solely for U.S. Government official use of this section.

16. Section 740.14 is amended by revising paragraph (e)(3) and (e)(4) and adding paragraph (e)(5) to read as follows:

§ 740.14 Baggage (BAG).

(e)***

(3) A United States citizen or a permanent resident alien leaving the United States may export under this License Exception firearms, "parts," "components," "accessories," or "attachments" controlled under ECCN 0A501 and ammunition controlled under ECCN 0A505.a, subject to the following limitations:

(i) Not more than three firearms and 1,000 rounds of ammunition may be taken on any one trip.

(ii) "Parts," "components," "accessories," and "attachments" exported pursuant to this paragraph (e)(3) must be of a kind and limited to quantities that are reasonable for the activities described in paragraph (e)(3)(iv) of this section or that are necessary for routine maintenance of the firearms being exported.

(iii) The commodities must be with the person's baggage.

(iv) The commodities must be for the person's exclusive use and not for resale or other transfer of ownership or control. Accordingly, except as provided in paragraph (e)(4) of this section, firearms, "parts," "components," "accessories," "attachments," and ammunition, may not be exported permanently under this License Exception. All firearms, "parts," "components," "accessories," or "attachments" controlled under ECCN 0A501 and all unused ammunition controlled under ECCN 0A505.a exported under this License Exception must be returned to the United States.

(v) Travelers leaving the United States temporarily are required to declare the firearms, "parts," "components," "accessories," "attachments," and ammunition being exported

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under this License Exception to a Customs and Border Protection (CBP) officer prior to departure from the United States and present such items to the CBP officer for inspection, confirming that the authority for the export is License Exception BAG and that the exporter is compliant with its terms.

(4) A nonimmigrant alien leaving the United States may export or reexport under this License Exception only such firearms controlled under ECCN 0A501 and ammunition controlled under ECCN 0A505 as he or she brought into the United States under the relevant provisions of Department of Justice regulations at 27 CFR part 478.

(5) Destination eligibility for items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, and 0A506 is limited to countries other than those in Country Group D:5 (except for Zimbabwe) and "CARICOM" countries.

16. Section 740.20 is amended by revising paragraph (b)(2)(ii) to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

(b) ***

(2) ***

(ii) License Exception STA may not be used for:

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(A) Any item controlled in ECCNs 0A501.a, .b, .c, .d, or .e; 0A981; 0A982; 0A983; 0A503; 0E504; 0E982; or

(B) Shotguns with barrel length less than 18 inches controlled in 0A502. ***

PART 742 – CONTROL POLICY—CCL BASED CONTROLS

21. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 3201 et seq.; 42 U.S.C. 2139a; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; Sec. 1503, Pub. L. 108-11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003-23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Notice of November 8, 2022, 87 FR 68015 (November 10, 2022).

22. Section 742.6 is amended by revising paragraph (b)(1)(i) to read as follows:

§ 742.6 Regional stability.

(b) *Licensing policy* —

(1) *Licensing policy for RS Column 1 items.*

(i) Applications for exports and reexports of ECCN 0A501, 0A504, 0A505, 0A506, 0A507, 0A508, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 items, 9x515, and “600 series” items will be reviewed under the following policies:

(A) Applications for exports and reexports of ECCN 0A506.a.1 and .a.2, 0A507.a.1 and .a.2, and 0A508.a.1 and .a.2 items will be reviewed under a presumption of denial for end users that are civilian or commercial resellers.

(B) Applications for exports and reexports of ECCN 0A501, 0A504, 0A505, 0A506, 0A507, 0A508, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 items; 9x515 and “600 series” items will be reviewed on a case-by-case basis to determine whether the transaction is contrary to the national security or foreign policy interests of the United States, including the foreign policy interest of promoting the observance of human rights throughout the world.

(C) Other applications for exports and reexports described in paragraph (a)(1), (2), (6), or (8) of this section will be reviewed on a case-by-case basis to determine whether the export or reexport could contribute directly or indirectly to any country’s military capabilities in a manner that would alter or destabilize a region’s military balance contrary to the foreign policy interests of the United States.

(D) Applications for reexports of items described in paragraph (a)(3) of this section will be reviewed applying the policies for similar commodities that are subject to the ITAR.

(E) Applications for export or reexport of items classified under any 9x515 or “600 series” ECCN requiring a license in accordance with paragraph (a)(1) or (9) of this section will also be reviewed consistent with United States arms embargo policies in §

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126.1 of the ITAR (22 CFR 126.1) if destined to a country set forth in Country Group D:5 in Supplement No. 1 to part 740 of the EAR.

(F) Applications for export or reexport of “parts,” “components,” “accessories,” “attachments,” “software,” or “technology” “specially designed” or otherwise required for the F-14 aircraft will generally be denied.

(G) Applications for exports and reexports of items classified under ECCN 0A501, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 or any 9x515 ECCN will be subject to a policy of denial when destined to a country listed in Country Groups D:5 or E:1 in Supplement No. 1 to part 740 of the EAR.

(H) Applications for exports and reexports of ECCN 0A501, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 items when there is reason to believe the transaction involves criminal organizations, rebel groups, street gangs, or other similar groups or individuals, that may be disruptive to regional stability, including within individual countries, will be subject to a policy of denial. ***

22. Section 742.17 is amended by revising paragraph (f) to read as follows:

§ 742.17 Exports of firearms to OAS member countries.

(f) *Items/Commodities.* Items requiring a license under this section are ECCNs 0A501 (except 0A501.y), 0A502, 0A504 (except 0A504.f), and 0A505 (except 0A505.d). (See supplement no. 1 to part 774 of the EAR).

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PART 743 – SPECIAL REPORTING AND NOTIFICATION

29. The authority citation for 15 CFR part 743 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; 78 FR 16129. (January 23, 2020).

30. Section 743.4 is amended by revising paragraph (c) and (h) to read as follows:

§ 743.4 Conventional arms reporting.

(c) *Items for which reports are required* —

(1) ***Wassenaar Arrangement reporting.*** You must submit reports to BIS under the provisions of this section only for exports of items classified under the following ECCNs:

(i) ECCN 0A501.a and .b.

(ii) [Reserved]

(2) **United Nations reporting.** You must submit reports to BIS under the provisions of this section only for exports of items classified under the following ECCNs:

(i) ECCN 0A501.a and .b.

(ii) [Reserved]

(h) **Alternative submission method.** This paragraph (h) describes an alternative submission method for meeting the conventional arms reporting requirements of this section. The alternative submission method requires the exporter, when filing the required EEI submission in AES, pursuant to § 758.1(b)(9) of the EAR, to include the items paragraph classification (*i.e.*, .a, or .b) for ECCN 0A501 as the first text to appear in the Commodity description block. If the exporter properly includes this information in the EEI filing in AES, the Department of Commerce will be able to obtain that export information directly from AES to meet the U.S. Government's commitments to the Wassenaar Arrangement and United Nations for conventional arms reporting. An exporter that complies with the requirements in § 758.1(g)(4)(ii) of the EAR does not have to submit separate annual and semi-annual reports to the Department of Commerce pursuant to this section.

30. Section 743.6 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 743.6 Prior notifications to Congress of exports of certain semiautomatic firearms.

(a) **General requirement.** Applications to export semiautomatic firearms controlled by ECCN 0A501.a will be notified to Congress as provided in this section before licenses for such items are issued, except as specified in paragraphs (a)(1) to (2) of this section.

(1) Exports of semiautomatic firearms controlled by ECCN 0A501.a to personnel and agencies of the U.S. Government under License Exception GOV (§ 740.11(b) of the EAR) do not require such notification.

(2) Exports of semiautomatic firearms controlled by ECCN 0A501.a for official use by an agency of NATO do not require such notification.

(b) **Notification criteria.** Unless excluded in paragraphs (a)(1) to (2) of this section, BIS will notify Congress prior to issuing a license authorizing the export of items to Mexico, South Africa, or Turkey or any other country not listed in Country Group A:5 or A:6 (see supplement no.1 to part 740 of the EAR) if the items are sold under a contract or are otherwise part of an export transaction that includes \$4,000,000 or more of semiautomatic firearms controlled by ECCN 0A501.a.

Congressional Notification

743.6(c)

(c) **License application information.** In addition to information required on the application, the exporter must include a copy of the signed contract or, if there is no contract, a written explanation from the applicant (including a statement of the value of the firearms controlled by ECCN 0A501.a to be exported) for any proposed export described in paragraph (b) of this section. License applications for semiautomatic

firearms controlled by ECCN 0A501.a may include other nonautomatic firearms, shotguns, other 0x5zz items, or other items subject to the EAR, but the applicant must clearly identify the semiautomatic firearms controlled by ECCN 0A501.a. The applicant clearly distinguishing the semiautomatic firearms controlled by ECCN 0A501.a from any other items on the license application will assist BIS in assessing whether the license application requires congressional notification under this section and identifying the information that will need to be reported to Congress. Any activity intended to circumvent notification requirements is prohibited. Such devices include, but are not limited to, the splitting or structuring of contracts to avoid exceeding applicable notification dollar value limits described in paragraph (a) of this section.

**PART 748 – APPLICATIONS (CLASSIFICATION, ADVISORY, AND LICENSE)
AND DOCUMENTATION**

42. The authority citation for 15 CFR part 748 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 4, 2022, 87 FR 48077 (August 5, 2022).

43. Section 748.8 is amended by revising paragraph (z) to read as follows:

§ 748.8 Unique application and submission requirements.

(z) Firearms.

43. Section 748.12 is amended by revising paragraph (a), (d), and (e) to read as follows:

§ 748.12 Firearms import certificate or import permit.

License applications for certain firearms and related commodities require support documents in accordance with this section. (a) *Requirement to obtain documentation.* Unless an exception in § 748.9(c) applies, an import certificate or permit is required for license applications for firearms and related commodities, regardless of value, if required by the importing country. For OAS member states, this requirement is consistent with the OAS Model Regulations described in § 742.17 of the EAR. The exporter or reexporter must obtain and retain on file the original or a copy of the import certificate or permit before applying for an export or reexport license unless an import certificate or permit is not required by the importing country.

(1) *Items subject to requirement.* Firearms and related commodities are those commodities controlled under ECCNs, 0A502, 0A504, 0A505, or 0A506.

(2) *Countries subject to requirement.* (i) OAS member countries include: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, and Venezuela.

(ii) All other countries that require an import certificate or permit.

(3) *Equivalent official document in place of an import certificate or permit.* For those countries that have not yet established or implemented an import certificate procedure, BIS will accept an equivalent official document (e.g., import license or letter of

authorization) issued by the government of the importing country as supporting documentation for the export of items detailed under paragraph (a)(1) of this section.

(b) *Obtaining the document.* (1) Applicants must request that the importer (e.g., ultimate consignee or purchaser) obtain the import certificate, permit, or an equivalent official document from the government of the importing country, and that it be issued covering the quantities and types of firearms and related items that the applicant intends to export. Upon receipt of the this documentation or a certified copy, the importer must provide the original or a certified copy to the license applicant.

(2) If the government of the importing country will not issue such documentation, the applicant must supply the information described in paragraphs (c)(1) and (c)(6) through (c)(8) of this section on company letterhead.

(c) *Content of the document.* The documentation must contain the following information:

(1) Applicant's name and address. The applicant may be either the exporter, supplier, or order party.

(2) Import Certificate Identifier/Number.

(3) Name of the country issuing the certificate or unique country code.

(4) Date the documentation was issued, in international date format (e.g., 24/12/12 for 24 December 2012, or 3/1/99 for 3 January 1999).

(5) Name of the agency issuing the certificate, address, telephone and facsimile numbers, signing officer name, and signature.

(6) Name of the importer, address, telephone and facsimile numbers, country of residence, representative's name if commercial or government body, citizenship, and signature.

(7) Name of the end user(s), if known and different from the importer, address, telephone and facsimile numbers, country of residence, representative's name if commercial (authorized distributor or reseller) or government body, citizenship, and signature. Note that BIS does not require the identification of each end user when the firearms and related commodities will be resold by a distributor or reseller if unknown at the time of export.

(8) Description of the commodities approved for import including a technical description and total quantity of firearms, parts and components, ammunition and parts.

Note 1 to paragraph (c)(8):

You must furnish the consignee with a detailed technical description of each commodity to be given to the government for its use in issuing the documentation. For example, for shotguns, provide the type, barrel length, overall length, number of shots, the manufacturer's name, the country of manufacture, and the serial number for each shotgun. For ammunition, provide the caliber, velocity and force, type of bullet, manufacturer's name and country of manufacture.

(9) Expiration date of the documentation in international date format (*e.g.*, 24/12/12) or the date the items must be imported, whichever is earlier.

(10) Name of the country of export (*i.e.*, United States).

(11) Additional information. Certain countries may require the tariff classification number, by class, under the Brussels Convention (Harmonized Tariff Code) or the specific technical description of a commodity. For example, shotguns may need to be described in barrel length, overall length, number of shots, manufacturer's name and country of manufacture. The technical description is not the Export Control Classification Number (ECCN).

(d) Procedures for using document with license application —(1) *Information necessary for license application.* The license application must include the same commodities as those listed on the documentation.

(2) *Alterations.* After the documentation is used to support the issuance of a license, no corrections, additions, or alterations may be made on the same documentation by any person. Any necessary corrections, additions, or alterations should be noted by the applicant in a separate statement on file with the applicant.

(3) *Validity period.* Documentation issued by the importing country will be valid until the expiration date on the documentation itself or for a period of four years, whichever is shorter.

Note 2 to paragraph (d)(3):

Applicants for license applications for exports and reexports to an OAS member country must submit the initial FC Import Certificate (OAS member country import documentation) with the license application. All BIS licenses for ECCNs 0A501 and 0A505 commodities will include a standard rider that requires that the applicant/exporter must have a current FC Import Certificate on file prior to export. The text of the standard rider will generally be as follows: “A current, complete, accurate and valid Firearms Convention (FC) Import Certificate (or equivalent official document) shall be obtained, if required by the government of the importing country, from the Ultimate Consignee and maintained in the exporter’s file prior to any export of the item(s) listed on this license. A copy shall be provided to the U.S. Government upon request. (Refer to section 742.17(b) of the EAR for guidance.)”

43. Section 748 supp 2 is amended by:

- a. revising paragraph (z)(1), the note 1 to paragraph (z), and paragraph (bb) and
- b. adding paragraphs (cc) and (dd).

The revision and additions read as follows:

Supplement No. 2 to Part 748—Unique Application and Submission Requirements

(z) Exports of firearms and certain shotguns temporarily in the United States —(1)

Certification. If you are submitting a license application for the export of firearms controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that will be temporarily in the United States, e.g., for servicing and repair or for intransit shipments, you must include the following certification in Block 24:

The firearms in this license application will not be shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740. I and the parties to this transaction will comply with the requirements specified in paragraphs (z)(2)(i) and (ii) of Supplement No. 2 to part 748. ***

Note 1 to paragraph (z): In addition to complying with all applicable EAR requirements for the export of commodities described in paragraph (z) of this supplement, exporters and temporary importers should contact U.S. Customs and Border Protection (CBP) at the port of temporary import or export, or at the CBP website, for the proper procedures for temporarily importing or exporting firearms controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502, including regarding how to provide any data or documentation required by BIS.

(aa) Exports of other firearms and certain shotguns.

(1) Semiautomatic firearms controlled under ECCN 0A506.a and .b. For export license applications that require prior notifications to congress of exports of semiautomatic firearms controlled under ECCN 0A506.a and .b under the criteria of § 743.6, the exporter must include a copy of the signed contract or, if there is no contract, a written explanation from the applicant (including a statement of the value of the firearms controlled by ECCN 0A506.a and .b to be exported). License applications for semiautomatic firearms controlled by ECCN 0A506.a and .b may include other nonautomatic firearms, shotguns, other 0x5zz items, or other items subject to the EAR, but the applicant must clearly identify the semiautomatic firearms controlled by ECCN 0A506.a and .b.

(2) Purchase orders for items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, and 0A506. License applications for items controlled under ECCNs 0A501, 0A502,

0A504, 0A505, and 0A506 to destinations other than Country Group A:1 require the submission of purchase documentation (e.g., a purchase order or other appropriate documentation) with the submission of the license application.

(3) *Passport or other national identity card information.* License applications for items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, and 0A506 to destinations other than Country Group A:1 require the submission of passport or other national identity card information for all end users of those items.

(bb) *“600 Series Major Defense Equipment.”* For license applications that require prior notifications to Congress of exports of “600 series major defense equipment” pursuant to § 743.5, the exporter must include a copy of the signed contract (including a statement of the value of the “600 Series Major Defense Equipment” to be exported under the contract). (See § 743.5(d) of the EAR)

PART 750 – APPLICATION PROCESSING, ISSUANCE, AND DENIAL

44. The authority citation for 15 CFR part 750 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; Sec. 1503, Pub. L. 108-11, 117 Stat. 559; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223; Presidential Determination 2003-23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320.

45. Section 750.4 is amended by revising paragraph (d) to read as follows:

Interagency licensing working group

750.4(d)

(d) Review by other agencies and/or interagency groups.

(1) Within 10 days of receipt of a referral the reviewing agency must advise BIS of any information not contained in the referral as described in paragraph (c)(5) of this section. BIS will promptly request such information from the applicant. The time that elapses between the date the information is requested by the reviewing agency and the date the information is received by the reviewing agency will not be counted in processing time frames.

(2) Within 30 days of receipt of the initial referral, the reviewing agency will provide BIS with a recommendation either to approve (with or without conditions or riders) or deny the license application. As appropriate, such a recommendation may be made with the benefit of consultation and/or discussions in interagency groups established to provide expertise and coordinate interagency consultation. These interagency groups consist of:

(i) ***The Missile Technology Export Control Group (MTEC)***. The MTEC, chaired by the Department of State, reviews license applications involving items controlled for missile technology reasons. The MTEC also reviews license applications involving items not controlled for missile technology (MT) reasons, but destined for a country and/or end-user/end-user of MT concern.

(ii) ***The SubGroup on Nuclear Export Coordination (SNEC)***. The SNEC, chaired by the Department of State, reviews license applications involving items controlled for nuclear

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nonproliferation reasons. The SNEC also reviews license applications involving items not controlled for nuclear nonproliferation (NP) reasons, but destined for a country and/or end-use/end-user of NP concern.

(iii) ***The Shield***. The Shield, chaired by the Department of State, reviews license applications involving items controlled for chemical and biological weapons reasons. The Shield also reviews license applications involving items not controlled for chemical and biological weapons (CBW) reasons, but destined for a country and/or end-use/end-user of CBW concern.

(iv) ***Remote Sensing Interagency Working Group (RSIWG)***. The RSIWG, chaired by the State Department, reviews license applications involving remote sensing spacecraft described in ECCN 9A515.a.1, .a.2, .a.3, or .a.4, sensitive remote sensing components described in 9A515.g, or “technology” described in ECCN 9E515.f.

(v) ***Firearms Licensing Working Group (FLWG)***. The FLWG, chaired by the Department of Commerce, reviews license applications involving firearm related items controlled under ECCNs 0A501, 0A502, 0A504, 0A505, 0A506, and 0A507.

45. Section 750.7 is amended by revising paragraph (g) to read as follows:

§ 750.7 Issuance of licenses.

(g) **License validity period.** Licenses involving the export or reexport of items will generally have a four-year validity period, unless a different validity period has been requested and specifically approved by BIS or is otherwise specified on the license at the time that it is issued. Exceptions from the four-year validity period include: license applications for items controlled for short supply reasons, which will be limited to a 12-month validity period and license applications reviewed and approved as an “emergency” (see § 748.4(h) of the EAR); and commodities controlled under ECCNs 0A501, 0A502, 0A504, 0A505, 0A506, and 0A507, which will be limited to a 12-month validity period. Emergency licenses will expire no later than the last day of the calendar month following the month in which the emergency license is issued. The expiration date will be clearly stated on the face of the license. If the expiration date falls on a legal holiday (Federal or State), the validity period is automatically extended to midnight of the first business day following the expiration date.

(1) **Extended validity period.** BIS will consider granting a validity period exceeding 4 years on a case-by-case basis when extenuating circumstances warrant such an extension. Requests for such extensions may be made at the time of application or after the license has been issued and it is still valid. BIS will not approve changes regarding other aspects of the license, such as the parties to the transaction and the countries of ultimate destination. An extended validity period will generally be granted where, for example, the transaction is related to a multi-year project; when the period corresponds to the duration of a manufacturing license agreement, technical assistance agreement, warehouse and distribution agreement, or license issued under the International Traffic in Arms Regulations; when production lead time will not permit an export or reexport

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during the original validity period of the license; when an unforeseen emergency prevents shipment within the 4-year validity of the license; or for other similar circumstances.

(2) Request for extension.

(i) The applicant must submit a letter in writing to request an extension in the validity period of a previously approved license. The subject of the letter must be titled: "Request for Validity Period Extension" and contain the following information:

(A) The name, address, and telephone number of the requestor;

(B) A copy of the original license, with the license number, validation date, and current expiration date legible; and

(C) Justification for the extension;

(ii) It is the responsibility of the applicant to ensure that all applicable support documents remain valid and are in the possession of the applicant. If the request for extension is approved, BIS will provide the applicant with a written response.

PART 758 – EXPORT CLEARANCE REQUIREMENTS AND AUTHORITIES

55. The authority citation for 15 CFR part 758 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

56. Section 758.1 is amended by revising paragraphs (b)(9), (c)(1), and (g)(4) to read as follows:

§ 758.1 The Electronic Export Information (EEI) filing to the Automated Export System (AES).

(b) ***

(9) For all exports, except for exports authorized under License Exception BAG, as set forth in § 740.14 of the EAR, of items controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505 except for .c, regardless of value or destination, including exports to Canada. ***

(c) ***

(1) License Exception Baggage (BAG), as set forth in § 740.14 of the EAR. See 15 CFR 30.37(x) of the FTR;

Note 1 to paragraph (c)(1): See the export clearance requirements for exports of firearms controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505, authorized under License Exception BAG, as set forth in § 740.14 of the EAR. ***

(g) ***

(4) **Exports of firearms and related items.** This paragraph (g)(4) includes two separate requirements under paragraphs (g)(4)(i) and (ii) of this section that are used to better identify exports of certain end item firearms under the EAR. Paragraph (g)(4)(i) of this section is limited to certain EAR authorizations. Paragraph (g)(4)(ii) of this section applies to all EAR authorizations that require EEI filing in AES.

(i) **Identifying end item firearms by manufacturer, model, caliber, and serial number in the EEI filing in AES.** For any export authorized under License Exception TMP or a BIS license authorizing a temporary export of items controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, in addition to any other required data for the associated EEI filing, you must report the manufacturer, model, caliber, and serial number of the exported items. The requirements of this paragraph (g)(4)(i) also apply to any other export authorized under a BIS license that includes a condition or proviso on the license requiring the submission of this information specified in paragraph (g) of this section when the EEI is filed in AES.

(ii) **Identifying end item firearms by “items” level classification or other control descriptor in the EEI filing in AES.** For any export of items controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, in addition to any other required data for the associated EEI filing when an exporter will use the alternative submission method under § 743.4(h) for conventional arms reporting, you must include the items paragraph classification (*i.e.*, .a, or .b) for ECCN 0A501, or for shotguns controlled under 0A502 the letters “SB” for short barrel length less than 18 inches as the first text to appear in the Commodity description block in the EEI filing in AES. (*See* § 743.4(h) of the EAR for the use of this information for conventional arms reporting).

Note 2 to paragraph (g)(4): If a commodity described in paragraph (g)(4) of this section is exported under License Exception TMP under § 740.9(a)(6) of the EAR for inspection, test, calibration, or repair is not consumed or destroyed in the normal course of authorized temporary use abroad, the commodity must be disposed of or retained in one

of the ways specified in § 740.9(a)(14)(i), (ii), or (iii) of the EAR. For example, if a commodity described in paragraph (g)(4) was destroyed while being repaired after being exported under § 740.9(a)(6), the commodity described in paragraph (g)(4) would not be required to be returned. If the entity doing the repair returned a replacement of the commodity to the exporter from the United States, the import would not require an EAR authorization. The entity that exported the commodity described in paragraph (g)(4) and the entity that received the commodity would need to document this as part of their recordkeeping related to this export and subsequent import to the United States.

56. Section 758.10 is amended by revising paragraphs (a) and notes 1 and 2 to (b)(1) to read as follows:

§ 758.10 Entry clearance requirements for temporary imports.

(a) **Scope.** This section specifies the temporary import entry clearance requirements for firearms “subject to the EAR” that are on the United States Munitions Import List (USMIL, 27 CFR 447.21), except for firearms “subject to the EAR” that are temporarily brought into the United States by nonimmigrant aliens under the provisions of Department of Justice regulations at 27 CFR part 478 (See § 740.14(e) of the EAR for information on the export of these firearms “subject to the EAR”). These firearms are controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502. Items that are temporarily exported under the EAR must have met the export clearance requirements specified in § 758.1.

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(1) An authorization under the EAR is *not* required for the temporary import of “items” that are “subject to the EAR;” including for “items” “subject to the EAR” that are on the USMIL. Temporary imports of firearms described in this section must meet the entry clearance requirements specified in paragraph (b) of this section.

(2) Permanent imports are regulated by the Attorney General under the direction of the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (see 27 CFR parts 447, 478, 479, and 555).

(b) ***

(1)***

Note 1 to paragraph (b)(1): In accordance with the exclusions in License Exception TMP under § 740.9(b)(5) of the EAR, the entry clearance requirements in § 758.1(b)(9) do not permit the temporary import of: Firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in a Country Group D:5 country; or that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model controlled by 0A501 that is specified under annex A in supplement no. 4 to part 740 of the EAR); or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are shipped from or manufactured in a Country Group D:5 country, or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception TMP under § 740.9(b)(5).

Note 2 to paragraph (b)(1): In accordance with the exclusions in License Exception RPL under § 740.10(b)(4) and supplement no. 2 to part 748, paragraph (z), of the EAR, the entry clearance requirements in § 758.1(b)(9) do not permit the temporary import of: Firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740 of the EAR); or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception RPL under § 740.10(b)(4) and supplement no. 2 to part 748, paragraph (z), of the EAR.

56. Section 758.11 is amended by revising paragraphs (a) and (b)(2) to read as follows:

§ 758.11 Export clearance requirements for firearms and related items.

(a) **Scope.** The export clearance requirements of this section apply to all exports of commodities controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505 except for .c, regardless of value or destination, including exports to Canada, that are authorized under License Exception BAG, as set forth in § 740.14 of the EAR.

(b)***

(2) Required “description of articles” for firearms to be included on the CBP Form

4457. For all exports of firearms controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, the exporter must

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provide to CBP the serial number, make, model, and caliber for each firearm being exported by entering this information under the "Description of Articles" field of the CBP Form 4457, Certificate of Registration for Personal Effects Taken Abroad.

PART 762 – RECORDKEEPING

62. The authority citation for 15 CFR part 762 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

63. Section 762.2 is amended by revising paragraph (a)(11) to read as follows:

§ 762.2 Records to be retained.

(a) ***

(11) The serial number, make, model, and caliber for any firearm controlled in ECCN 0A501.a and for shotguns with barrel length less than 18 inches controlled in 0A502 that have been exported. The "exporter" or any other party to the transaction (*see* § 758.3 of the EAR), that creates or receives such records is a person responsible for retaining this record; and ***

63. Section 762.3 is amended by revising paragraph (a)(5) to read as follows:

§ 762.3 Records exempt from recordkeeping requirements.

(a) ***

(5) Warranty certificate, except for a warranty certificate issued for an address located outside the United States for any firearm controlled in ECCN 0A501.a and for shotguns with barrel length less than 18 inches controlled in 0A502; ***

PART 772 – DEFINITIONS OF TERMS

84. The authority citation for 15 CFR part 772 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

85. Section 772.1 is amended by adding a definition in alphabetical order for “CARICOM,” to read as follows:

§ 772.1 Definitions of terms as used in the Export Administration Regulations

(EAR).

CARICOM (Caribbean Community). For purposes of §§ 740.3 and 740.14 of the EAR, the term CARICOM is defined as follows: An intergovernmental organization that consists of the following member states and associate members: member states: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Lucia, Suriname, St. Kitts and Nevis, St. Vincent and the Grenadines, and Trinidad and Tobago; associate members: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, and Turks and Caicos.

Note to definition of CARICOM: Outside of the applicable sections of the EAR for this definition, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, and Turks and Caicos retain the same licensing treatment as the United Kingdom.

PART 774 – THE COMMERCE CONTROL LIST

86. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 et seq.; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

87. Supplement 1 to Part 774 is amended by:

a. In Category 0:

1. revising ECCNs 0A501, 0A502, and 0A505;
2. adding ECCN 0A506;
3. revising ECCNs 0B501, 0D501, 0E501, and 2B018

The revisions and addition read as follows:

Supplement No. 1 to Part 774

Category 0—Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]

A. “End Items,” “Equipment,” “Accessories,” “Attachments,” “Parts,” “Components,” and “Systems”

Revised

0A501

0A501 Firearms (except 0A502 shotguns, 0A506 semi-automatic rifles and related commodities, 0A507 semi-automatic pistols and related commodities, and 0A508 semi-automatic shotguns and related commodities) and related commodities as follows (see List of Items controlled).

License Requirements

Reason for Control: NS, RS, FC, UN, AT

*only non-auto and non-semi-auto.
see new ECCNs:
0A506
0A507
0A508*

Control(s)	Country chart (see supp. No. 1 to part 738)
NS applies to entire entry except 0A501.y NS Column 1	
RS applies to entire entry except 0A501.y RS Column 1	
FC applies to entire entry except 0A501.y FC Column 1	
UN applies to entire entry	See § 746.1 of the EAR for UN controls
AT applies to entire entry	AT Column 1

License Requirement Note: In addition to using the Commerce Country Chart to determine license requirements, a license is required for exports and reexports of ECCN 0A501.y.7 firearms to the People's Republic of China.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$500 for 0A501.c, .d, and .x.

\$500 for 0A501.c, .d, .e, and .x if the ultimate destination is Canada.

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in this entry.

List of Items Controlled

Related Controls: (1) Firearms that are fully automatic, and magazines with a capacity of greater than 50 rounds, are "subject to the ITAR." (2) See ECCN 0A502 for shotguns and their "parts" and "components" that are subject to the EAR. Also see ECCN 0A502 for shot-pistols. (3) See ECCN 0A504 and USML Category XII for controls on optical sighting devices. (4) See ECCN 0A506 for semi-automatic rifles and certain related "parts" and "components." (5) See ECCN 0A507 for semi-automatic pistols and certain

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related "parts" and "components." (6) See ECCN 0A508 for semi-automatic shotguns and certain related "parts" and "components."

Related Definitions: N/A

Items:

a. Non-automatic and non-semi-automatic firearms equal to .50 caliber (12.7 mm) or less.

Note 1 to paragraph 0A501.a:

'Combination pistols' are controlled under ECCN 0A501.a. A 'combination pistol' (a.k.a., a combination gun) has at least one rifled barrel and at least one smoothbore barrel (generally a shotgun style barrel).

Note 2 to paragraph 0A501.a:

Semi-automatic firearms less than .50 cal are controlled under ECCN 0A506.

Technical Note to 0A501.a:

Firearms described in 0A501.a includes those chambered for the .50 BMG cartridge.

b. Non-automatic and non-semi-automatic rifles, carbines, revolvers or pistols with a caliber greater than .50 inches (12.7 mm) but less than or equal to .72 inches (18.0 mm).

c. The following types of "parts" and "components" if "specially designed" for a commodity controlled by paragraph .a or .b of this entry, or USML Category I (unless listed in USML Category I(g) or (h)): Barrels, cylinders, barrel extensions, mounting blocks (trunnions), bolts, bolt carriers, operating rods, gas pistons, trigger housings, triggers, hammers/striker, sears, disconnectors, pistol grips that contain fire control "parts" or "components" (e.g., triggers, hammers/striker, sears, disconnectors) and buttstocks that contain fire control "parts" or "components."

Technical Note to 0A501.c:

Barrel blanks that have reached a stage in manufacturing in which they are either chambered or rifled are controlled by 0A501.c.

d. Detachable magazines with a capacity of 17 to 50 rounds "specially designed" for a commodity controlled by paragraph .a or .b of this entry.

Note 3 to paragraph 0A501.d:

Magazines with a capacity of 16 rounds or less are controlled under 0A501.x; for magazines with a capacity greater than 50 rounds, see USML Category I.

e. Receivers (frames) and “complete breech mechanisms,” including castings, forgings, stampings, or machined items thereof, “specially designed” for a commodity controlled by paragraph .a or .b of this entry.

Note 4 to 0A501.e:

Frames (receivers) under 0A501.e refers to any “part” or “component” of the firearm that has or is customarily marked with a serial number when required by law. This paragraph 0A501.e is synonymous with a “part” or “component” that is regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (see 27 CFR parts 447, 478, and 479.) as a firearm.

Note 5 to 0A501.e:

Frames (receivers) “specially designed” for semi-automatic firearms are controlled under ECCN 0A506.e.

f. through w. [Reserved]

x. “Parts” and “components” that are “specially designed” for a commodity classified under paragraphs .a through .c of this entry or the USML and not elsewhere specified on the USML or CCL.

y. Specific “parts,” “components,” “accessories” and “attachments” “specially designed” for a commodity subject to control in this ECCN or common to a defense article in USML Category I and not elsewhere specified in the USML or CCL as follows, and “parts,” “components,” “accessories,” and “attachments” “specially designed” therefor.

y.1. Stocks (including adjustable, collapsible, blades and braces), grips, handguards, or forends, that do not contain any fire control “parts” or “components” (e.g., triggers, hammers/striker, sears, disconnectors);

y.2 to y.5. [Reserved]

y.6. Bayonets; and

y.7. Firearms manufactured from 1890 to 1898 and reproductions thereof.

Technical Note 1 to 0A501:

The controls on “parts” and “components” in ECCN 0A501 include those “parts” and “components” that are common to firearms described in ECCN 0A501 and to those firearms “subject to the ITAR.”

Technical Note 2 to 0A501:

0A501

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A receiver with any other controlled "part" or "component" (e.g., a barrel (0A501.c), or trigger guard (0A501.x); or stock (0A501.y.1)) is still controlled under 0A501.e.

Note 6 to 0A501:

Antique firearms (i.e., those manufactured before 1890) and reproductions thereof, muzzle loading and black powder firearms except those designs based on centerfire weapons of a post 1937 design, BB guns, pellet rifles, paint ball, and all other air rifles are EAR99 commodities.

Note 7 to 0A501:

Muzzle loading and black powder firearms with a caliber less than 20 mm that were manufactured post 1937 that are used for hunting or sporting purposes that were not "specially designed" for military use and are not "subject to the ITAR" nor controlled as shotguns under ECCN 0A502 are EAR99 commodities.

Note 8 to 0A501:

Scope mounts or accessory rails, iron sights, sling swivels, and butt plates or recoil pads are designated as EAR99. These commodities have been determined to no longer warrant being "specially designed" for purposes of ECCN 0A501.

Note 9 to 0A501:

A kit, including a replacement or repair kit, of firearms "parts" or "components" customarily sold and exported together takes on the classification of the most restrictive "part" or "component" that is included in the kit. For example, a kit containing 0A501.y and .x "parts," is controlled as a 0A501.x kit because the .x "part" is the most restrictive "part" included in the kit. A complete firearm disassembled in a kit form is controlled as a firearm under 0A501.a, .b, or .y 7.

0A502 Shotguns; shotguns "parts" and "components," consisting of complete trigger mechanisms; magazines and magazine extension tubes; "complete breech mechanisms;" except: semi-automatic shotguns and "special designed" "complete breech mechanisms" for semi-automatic shotguns controlled ECCN 0A506; equipment used to slaughter domestic animals or used exclusively to treat or tranquilize animals; and arms designed solely for signal, flare, or saluting use.

License Requirements

Reason for Control: RS, CC, FC, UN, AT, NS

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to shotguns with a barrel length less than 18 inches (45.72 cm)	NS Column 1
RS applies to shotguns with a barrel length less than 18 inches (45.72 cm)	RS Column 1
FC applies to entire entry	FC Column 1
CC applies to shotguns with a barrel length less than 24 in. (60.96 cm) and shotgun "components" controlled by this entry regardless of end user	CC Column 1
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm), regardless of end user	CC Column 2
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm) if for sale or resale to police or law enforcement	CC Column 3
UN applies to entire entry	See § 746.1(b) of the EAR for UN controls
AT applies to shotguns with a barrel length less than 18 inches (45.72 cm)	AT Column 1



List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$500 for 0A502 shotgun "parts" and "components," consisting of complete trigger mechanisms; magazines and magazine extension tubes. \$500 for 0A502 shotgun "parts" and "components," consisting of complete trigger mechanisms; magazines and magazine extension tubes, "complete breech mechanisms" if the ultimate destination is Canada.

GBS: N/A

List of Items Controlled

Related Controls: (1) Shotguns that are fully automatic are "subject to the ITAR." (2) See ECCN 0A506 for semi-automatic rifles and certain related "parts" and "components." (3) See ECCN 0A507 for semi-automatic pistols and certain related "parts" and "components." (4) See ECCN 0A508 for semi-automatic shotguns and certain related "parts" and "components."

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

Note 1 to 0A502:

Shotguns made in or before 1898 are considered antique shotguns and designated as EAR99.

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Technical Note:

Shot pistols or shotguns that have had the shoulder stock removed and a pistol grip attached are controlled by ECCN 0A502. Slug guns are also controlled under ECCN 0A502.

0A505 Ammunition as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, CC, FC, UN, AT

2410

No change from current ECCN 0A505

Control(s)	Country chart (see supp. No. 1 to part 738)
NS applies to 0A505.a and .x	NS Column 1
RS applies to 0A505.a and .x	RS Column 1
CC applies to 0A505.b	CC Column 1
FC applies to entire entry except 0A505.d	FC Column 1
UN applies to entire entry	See § 746.1 of the EAR for UN controls
AT applies to 0A505.a, .d, and .x	AT Column 1
AT applies to 0A505.c	A license is required for items controlled by paragraph .c of this entry to North Korea for anti-terrorism reasons. The Commerce Country Chart is not designed to determine AT licensing requirements for this entry. See § 742.19 of the EAR for additional information.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$500 for items in 0A505.x, except \$3,000 for items in 0A505.x that, immediately prior to March 9, 2020, were classified under 0A018.b. (i.e., "Specially designed" components and parts for ammunition, except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other

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detonating devices and ammunition belting and linking machines (all of which are "subject to the ITAR"). (See 22 CFR parts 120 through 130))

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0A505.

List of Items Controlled

Related Controls: (1) Ammunition for modern heavy weapons such as howitzers, artillery, cannon, mortars and recoilless rifles as well as inherently military ammunition types such as ammunition preassembled into links or belts, caseless ammunition, tracer ammunition, ammunition with a depleted uranium projectile or a projectile with a hardened tip or core and ammunition with an explosive projectile are "subject to the ITAR." (2) Percussion caps, and lead balls and bullets, for use with muzzle-loading firearms are EAR99 items.

Related Definitions: 'Marking rounds' are non-lethal, typically used for training purposes, and contain a dye or paint in a capsule that is not a chemical irritant.

Items:

- a. Ammunition for firearms controlled by ECCN 0A501 or USML Category I and not enumerated in paragraph .b, .c, or .d of this entry or in USML Category III.
- b. Buckshot (No. 4 .24" diameter and larger, any material) shotgun shells and shotgun shells that contain only, or are for the dispersion of chemical irritants.
- c. Shotgun shells (including less than lethal rounds) that do not contain buckshot; and "specially designed" "parts" and "components" of shotgun shells.
- d. Blank ammunition for firearms controlled by ECCNs 0A501 or 0A502 and not enumerated in USML Category III.

0A506

Technical Note to 0A505.d:

Includes 'marking rounds' that have paint/dye as the projectile.

e. through w. [Reserved]

x. "Parts" and "components" that are "specially designed" for a commodity subject to control in this ECCN or a defense article in USML Category III and not elsewhere specified on the USML or the CCL.

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Note 1 to 0A505.x:

The controls on "parts" and "components" in this entry include Berdan and boxer primers, metallic cartridge cases, and standard metallic projectiles such as full metal jacket, lead core, copper projectiles, and frangible projectiles.

Note 2 to 0A505.x:

The controls on "parts" and "components" in this entry include those "parts" and "components" that are common to ammunition and ordnance described in this entry and to those enumerated in USML Category III.

Note 3 to 0A505:

Metal shot smaller than No. 4 Buckshot, empty and unprimed shotgun shells, shotgun wads, smokeless gunpowder, 'dummy rounds' and 'drill rounds' (unless linked or belted), not incorporating a lethal or non-lethal projectile(s) are designated EAR99. A 'dummy round' or 'drill round' is a round that is completely inert, (i.e., contains no primer, propellant, or explosive charge). It is typically used to check weapon function and for crew training.

Note 4 to 0A505:

Shotgun shells that contain two or more balls/shot larger than .24-inch are controlled under 0A505.b.

0A506 Semi-Automatic Rifles and Related "Parts" and "Components" as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, FC, CC, UN, AT

Control(s) **Country chart (see supp. No. 1 to part 738)**

NS applies to entire entry NS Column 1

RS applies to entire entry RS Column 1

FC applies to entire entry FC Column 1

410

New

Control(s)
Country chart
(see supp. No. 1 to
part 738)

UN applies to entire entry See § 746.1 of the EAR for UN controls

AT applies to entire entry AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in this entry.

List of Items Controlled

Related Controls: (1) Firearms that are fully automatic, and magazines with a capacity of greater than 50 rounds, are "subject to the ITAR." (2) See ECCN 0A501 for non-semi-automatic firearms (except 0A502 shotguns) and related commodities that are subject to the EAR. (3) See ECCN 0A502 for non-semi-automatic shotguns and their "parts" and "components" that are subject to the EAR. Also see ECCN 0A502 for shot-pistols. (4) See ECCN 0A504 and USML Category XII for controls on optical sighting devices. (5) See ECCN 0A507 for semi-automatic pistols and certain related "parts" and "components." (6) See ECCN 0A508 for semi-automatic shotguns and certain related "parts" and "components."

Related Definitions: N/A

Items:

a. Semiautomatic rifles equal to .50 caliber (12.7 mm) or less as follows:

a.1. Semi-automatic centerfire (non-rimfire) rifle that has as a fixed ammunition feeding device with the capacity to accept more than 10 rounds;

a.2. Semi-automatic centerfire (non-rimfire) rifle that has the capacity to accept a detachable ammunition feeding device; and has any one of the following:

a.2.a pistol grip;

a.2.b forward grip;

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a.2.c folding, telescoping, or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability, of the weapon;

a.2.d grenade launcher;

a.2.e barrel shroud; or

a.2.f threaded barrel.

a.3. All other, including all non-centerfire (rimfire), semi-automatic rifles equal to .50 caliber (12.7 mm) or less.

b. Any "part," combination of "parts," "component," device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semi-automatic firearm but not convert the semi-automatic firearm into an automatic firearm.

c. Receivers (frames), including castings, forgings, stampings, or machined items thereof, "specially designed" for a commodity controlled by paragraph .a of this entry.

Technical Note to 0A506:

Firearms described in 0A506 includes those chambered for the .50 BMG cartridge.

0A507 Semi-Automatic Pistols, and Related "Parts" and "Components" as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, FC, CC, UN, AT

New

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Control(s) **Country chart (see supp. No. 1 to part 738)**

NS applies to entire entry NS Column 1
RS applies to entire entry RS Column 1
FC applies to entire entry FC Column 1
UN applies to entire entry See § 746.1 of the EAR for UN controls
AT applies to entire entry AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

CUI/Predecisional/Deliberative

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in this entry.

List of Items Controlled

Related Controls: (1) Firearms that are fully automatic, and magazines with a capacity of greater than 50 rounds, are "subject to the ITAR." (2) See ECCN 0A501 for non-semi-automatic firearms (except 0A502 shotguns) and related commodities that are subject to the EAR. (3) See ECCN 0A502 for non-semi-automatic shotguns and their "parts" and "components" that are subject to the EAR. Also see ECCN 0A502 for shot-pistols. (4) See ECCN 0A504 and USML Category XII for controls on optical sighting devices. (5) See ECCN 0A506 for semi-automatic rifles and certain related "parts" and "components." (6) See ECCN 0A508 for semi-automatic shotguns and certain related "parts" and "components."

Related Definitions: N/A

Items:

a. Semiautomatic pistols equal to .50 caliber (12.7 mm) or less as follows:

a.1. Semi-automatic centerfire (non-rimfire) pistol with a fixed ammunition feeding device that has the capacity to accept more than 10 rounds;

a.2. Semi-automatic centerfire (non-rimfire) pistol that has an ammunition feeding device that is not a fixed ammunition feeding device; and has any one of the following:

a.2.a a threaded barrel;

a.2.b a second pistol grip;

a.2.c a barrel shroud;

a.2.d the capacity to accept a detachable ammunition feeding device at some location outside of the pistol grip;

a.2.e a semiautomatic version of an automatic firearm;

a.2.f a manufactured weight of 50 ounces or more when unloaded; or

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CUI/Predecisional/Deliberative

a.2.g a buffer tube, stabilizing brace or similar component that protrudes horizontally behind the pistol grip and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder.

a.3 All other, including all non-centerfire (rimfire), semi-automatic pistols equal to .50 caliber (12.7 mm) or less

b. Any "part," combination of "parts," "component," device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semi-automatic firearm but not convert the semi-automatic firearm into an automatic firearm.

c. Receivers (frames), including castings, forgings, stampings, or machined items thereof, "specially designed" for a commodity controlled by paragraph .a of this entry.

Technical Note to 0A506:

Firearms described in 0A506 includes those chambered for the .50 BMG cartridge.

0A508 Semi-Automatic Shotguns and Related "Parts" and "Components" as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, FC, CC, UN, AT

10

Control(s)	Country chart (see supp. No. 1 to part 738)
NS applies to semi-automatic shotguns with a barrel length less than 18 inches (45.72 cm) controlled under ECCN 0A50.a and items controlled under ECCN 0A507.b	NS Column 1
RS applies to semi-automatic shotguns with a barrel length less than 18 inches (45.72 cm) controlled under ECCN 0A50.a and items controlled under ECCN 0A507.b	RS Column 1
FC applies to entire entry	FC Column 1
CC applies to semi-automatic shotguns with a barrel length less than 24 inches (60.96 cm) controlled under ECCN 0A50.a and items controlled under ECCN 0A507.b regardless of end user	CC Column 1
CC applies to semi-automatic shotguns with a barrel length less than 24 inches (60.96 cm) controlled under ECCN 0A50.a and items controlled under ECCN 0A507.b regardless of end user	CC Column 2

Control(s)	Country chart (see supp. No. 1 to part 738)
CC applies to semi-automatic shotguns with a barrel length less than 24 in. (60.96 cm) controlled under ECCN 0A50.a and items controlled under ECCN 0A507.b if for sale or resale to police or law enforcement	CC Column 3
UN applies to entire entry	See § 746.1 of the EAR for UN controls
AT applies to semi-automatic shotguns with a barrel length less than 18 inches (45.72 cm) under ECCN 0A50.a and items under ECCN 0A507.b	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in this entry.

List of Items Controlled

Related Controls: (1) Firearms that are fully automatic, and magazines with a capacity of greater than 50 rounds, are “subject to the ITAR.” (2) See ECCN 0A501 for non-semi-automatic firearms (except 0A502 shotguns) and related commodities that are subject to the EAR. (3) See ECCN 0A502 for non-semi-automatic shotguns and their “parts” and “components” that are subject to the EAR. Also see ECCN 0A502 for shot-pistols. (4) See ECCN 0A504 and USML Category XII for controls on optical sighting devices. (5) See ECCN 0A506 for semiautomatic rifles and certain related “parts” and “components.” (6) See ECCN 0A507 for semiautomatic pistols and certain related “parts” and “components.”

Related Definitions: N/A

Items:

a. Semiautoamtic shotguns as follows:

a.1 Semi-automatic centerfire (non-rimfire) shotgun with a revolving cylinder

a.2 Semi-automatic centerfire (non-rimfire) shotgun that has the capacity to accept a detachable ammunition feeding device or a fixed ammunition feeding device that has the capacity to accept more than 5 rounds; and has any one of the following:

a.2.a a folding, telescoping, or detachable stock;

a.2.b a pistol grip or bird's head grip;

a.2.c a forward grip; or

a.2.d a grenade launcher

a.3 All other, including all non-centerfire (rimfire), semi-automatic shotguns

b. Any "part," combination of "parts," "component," device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semi-automatic firearm but not convert the semi-automatic firearm into an automatic firearm.

c. Receivers (frames), "complete breech mechanisms", "specially designed" for a commodity controlled by paragraph .a of this entry.

B. "Test", "Inspection" and "Production Equipment"

0B501 Test, inspection, and production "equipment" and related commodities for the "development" or "production" of commodities enumerated or otherwise described in ECCN 0A501 or USML Category I as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, UN, AT

Control(s)

NS applies to entire entry except equipment for ECCN 0A501.y

Country chart
(see supp. No. 1 to
part 738)

NS Column 1

No change from current ECCN 0B501

Control(s)

**Country chart
(see supp. No. 1 to
part 738)**

RS applies to entire entry except equipment for
ECCN 0A501.y

RS Column 1

UN applies to entire entry

See § 746.1 of the EAR for UN
controls

AT applies to entire entry

AT Column 1

List Based License Exceptions (See Part 740 for a Description of all License Exceptions)

LVS: \$3000

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be
used to ship any item in this entry.

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

- a. Small arms chambering machines.
- b. Small arms deep hole drilling machines and drills therefor.
- c. Small arms rifling machines.
- d. Small arms boring/reaming machines.
- e. Production equipment (including dies, fixtures, and other tooling) "specially designed"
for the "production" of the items controlled in 0A501.a through .x. or USML Category I.

D. "Software"

CUI/Predecisional/Deliberative

*No change
from current
ECCN 0D501.*

0D501 "Software" "specially designed" for the "development," "production," operation, or maintenance of commodities controlled by 0A501 or 0B501.

License Requirements

Reason for Control: NS, RS, UN, AT

Control(s)

**Country chart
(see Supp. No. 1 to
part 738)**

NS applies to entire entry except "software" for commodities in ECCN 0A501.y or equipment in ECCN 0B501 for commodities in NS Column 1
ECCN 0A501.y

RS applies to entire entry except "software" for commodities in ECCN 0A501.y or equipment in ECCN 0B501 for commodities in RS Column 1
ECCN 0A501.y

UN applies to entire entry

See § 746.1 of the
EAR for UN controls

AT applies to entire entry

AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any "software" in 0D501.

List of Items Controlled

Related Controls: "Software" required for and directly related to articles enumerated in USML Category I is "subject to the ITAR".

Related Definitions: N/A

Items: The list of items controlled is contained in this ECCN heading.

E. "Technology"

0E501 "Technology" "required" for the "development," "production," operation, installation, maintenance, repair, or overhaul of commodities controlled by 0A501 or 0B501 as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, UN, AT

no change from current ECCN 0E501

Control(s) Country chart (see Supp. No. 1 to part 738)

- NS applies to entire entry NS Column 1
- RS applies to entire entry RS Column 1
- UN applies to entire entry See § 746.1 of the EAR for UN controls
- AT applies to entire entry AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any "technology" in ECCN 0E501.

List of Items Controlled

Related Controls: Technical data required for and directly related to articles enumerated in USML Category I are "subject to the ITAR."

Related Definitions: N/A

Items:

- a. "Technology" "required" for the "development" or "production" of commodities controlled by ECCN 0A501 (other than 0A501.y) or 0B501.
- b. "Technology" "required" for the operation, installation, maintenance, repair, or overhaul of commodities controlled by ECCN 0A501 (other than 0A501.y) or 0B501.

CUI/Predecisional/Deliberative

Category 2—Materials Processing

B. “Test”, “Inspection” and “Production Equipment”

2B018 Equipment on the Wassenaar Arrangement Munitions List.

No commodities currently are controlled by this entry. Commodities formerly controlled by paragraphs .a through .d, .m, and .s of this entry are controlled in ECCN 0B606. Commodities formerly controlled by paragraphs .e through .l of this entry are controlled by ECCN 0B602. Commodities formerly controlled by paragraphs .o through .r of this entry are controlled by ECCN 0B501. Commodities formerly controlled by paragraph .n of this entry are controlled in ECCN 0B501 if they are “specially designed” for the “production” of the items controlled in ECCN 0A501.a through .x or USML Category I and controlled in ECCN 0B602 if they are of the kind exclusively designed for use in the manufacture of items in ECCN 0A602 or USML Category II.
