
United States Munitions List Proposed Rulemaking

[The following is the text of a Presidential Directive released by the Department of State, Office of the Spokesman, Washington, DC, on July 25, 1991, and published in the July 29, 1991 issue of the *U.S. Department of State Dispatch*, pp. 627-628.]

After extensive interagency consultation, the Department of State published today six notices of proposed rulemaking that would amend the United States Munitions List (USML). The USML is part of the International Traffic in Arms Regulations (ITAR), which governs the export of defense articles and defense services. Public and industry comments are solicited on these proposals.

The proposed rules are the first of the planned changes to the ITAR to fulfill the President's Directive of November 16, 1990, to "remove from the U.S. Munitions List all items contained on the COCOM (Coordinating Committee for Multilateral Export Controls) Dual-Use List unless significant U.S. national security interests would be jeopardized." Pursuant to the President's directive, the Department of State led an interagency review of the COCOM Dual-Use Industrial List and the USML to identify the items of overlap on the two lists.

The proposed rules cover seven categories of the USML: Category IV for robots and robot controllers; Category V for military explosives; Category VI for naval surface vessels; Category IX for military training equipment; Category XI for military electronics (except those used for intelligence or security purposes); Category XVI for nuclear equipment; and Category XX for submersible vessels.

Under the proposed rules, all of the identified items of overlap on the USML and the COCOM Dual-Use List would be removed from the USML and licensed by the Department of Commerce (items of overlap were identified in Categories V, VI, XI, and XX). For the USML categories where no overlap was identified on the two lists (Categories IV, IX, and XVI), items will remain on the USML.

The anticipated implementation of these proposed regulations as final rules will result in the Department of Commerce having licensing jurisdiction over many specific items currently under Department of State Jurisdiction. Examples include floating dry docks, service craft, non-military deep submergence vessels, armored coaxial cable, and certain explosives.

After evaluating public and industry comments, the final rules will be published by December 1, 1991.

Still under interagency consideration are draft proposed rules covering five categories of the USML: Category VIII for aircraft and related equipment; a subsection of Category XI dealing with electronic equipment for intelligence or security purposes; Category XII for image intensification tubes and devices; Category XIII for auxiliary military equipment, including that used for intelligence purposes; and a new Category XV for spacecraft and related items. We anticipate that decisions regarding publication of these proposed notices will be forthcoming within the next several weeks.