



DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 742, 758, and 774

[Docket No. 260408-0094]

RIN 0694-AK35

Implementation of EAR Export Controls on Silencers, Mufflers, and Sound Suppressors; and Other Firearms Related Changes

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Interim final rule.

SUMMARY: The Department of Commerce (Commerce), Bureau of Industry and Security (BIS) is revising the Export Administration Regulations (EAR) and the Commerce Control List (CCL) to appropriately control certain silencers, mufflers, and sound suppressors (sound suppressors) that will no longer be described on the International Traffic in Arms Regulations U.S. Munitions List (USML). This interim final rule (IFR) complements a Department of State interim final rule published elsewhere in this issue of the *Federal Register* (*International Traffic in Arms Regulations: USML Category I Firearm Suppressors* (1400–AG11) (State IFR)). This transfer of jurisdiction will reduce the regulatory burden on exports of sound suppressors. This IFR also revises the EAR to allow firearms and related items to be temporarily exported and reexported under a license exception as tools of trade, thereby relieving exporters of the regulatory burden of applying for authorization. Finally, this IFR clarifies which items fall within the scope of the EAR’s entry clearance requirements for a temporary import.

DATES: *Effective dates:* This rule is effective [INSERT DATE 120 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], except for amendatory instructions 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11, which are effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Comments due date: Comments must be received by BIS no later than [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Comments on this IFR may be submitted to the Federal rulemaking portal (www.regulations.gov). The *regulations.gov* ID for this rule is: BIS-2026-0034. Please refer to RIN 0694-AK35 in all comments.

All filers using the portal should use the name of the person or entity submitting the comments as the name of their files in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page. The corresponding non-confidential version of those comments must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with the character “P.” Any submissions with file names that do not begin with either a “BC” or a “P” will be assumed to be public and will be made publicly available through <https://www.regulations.gov>. Commenters submitting business confidential information are encouraged to scan a hard copy of the non-confidential version to create an image of the file, rather than submitting a digital copy with redactions applied, to avoid inadvertent redaction errors which could enable the public to read business confidential information.

FOR FURTHER INFORMATION CONTACT: For general questions, Adam Stein, Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce at 202-482-2440 or by email: RPD2@bis.doc.gov.

For technical questions, Kylie Gaskins, Supervisory Engineer, Bureau of Industry and Security, U.S. Department of Commerce, Phone: 202-482-1124 or email: kylie.gaskins1@bis.doc.gov.

SUPPLEMENTARY INFORMATION: This IFR revises the EAR (15 CFR parts 730-774) and is organized into three sections: I – Addition of Sound Suppressors to the EAR; II – Revision to the License Exception for Temporary Imports, Exports, Reexports, and Transfers (In-Country) (TMP); and III – Revision to the Entry Clearance Requirements for Temporary Imports.

Section I describes the EAR revisions and addition to the Commerce Control List (CCL) for certain sound suppressors that are being removed from the United States Munitions List (USML) (22 CFR 121.1) pursuant to the State IFR. Section II describes the revisions to License Exception TMP to authorize certain exports and reexports of firearms and related commodities when used as tools of trade. Section III describes the revision of § 758.10 that clarifies which items subject to the EAR are available to be temporarily imported into the United States for subsequent export under the EAR in § 758.10(a).

Please note that citations to the EAR in this preamble will be to section number only (*i.e.*, § 758.10); citations to the International Traffic in Arms Regulations (ITAR) in this preamble will be to title 22 of the CFR and the section number (*i.e.*, 22 CFR 121.1).

I. Addition of Certain Silencers, Mufflers, and Sound Suppressors to the EAR

A. Background

On January 23, 2020, BIS published the final rule, *Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML)* (85 FR 4136; effective date: March 9, 2020) (BIS 2020 Rule) alongside a complementary State final rule, *International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III* (85 FR 3819; effective date: March 9, 2020) (State 2020 Rule). These rules revised the CCL in the EAR and Categories I, II, and III of the USML in the ITAR, respectively, to transfer jurisdiction over the export, reexport, and transfer (in-country) of certain firearms and related items from State to Commerce as of March 9, 2020. Additionally, while BIS did not impose license requirements on temporary imports, effective that date, BIS has maintained entry clearance requirements for certain items, *e.g.*, certain firearms and related

items. See section III of this IFR. These items are classified under 0x5zz Export Control Classification Numbers (ECCNs). Notably, at that time, State retained jurisdiction over sound suppressors, including those used with the non-automatic and semi-automatic firearms and shotguns transferred to Commerce jurisdiction.

B. Overview of the implementation of export controls on certain silencers, mufflers, and sound suppressors

This IFR publishes alongside the complementary State IFR implementing State's removal of certain sound suppressors for firearms and shotguns from the USML under the ITAR. As specified in this IFR, the sound suppressors removed from the USML by the State IFR will be controlled on the CCL and enumerated under new item paragraph 0A501.f in ECCN 0A501 and item paragraph 0A502.f in ECCN 0A502. Items controlled under ECCN 0A501.f are sound suppressors capable of being used with rifles controlled under ECCNs 0A501 or 0A506, pistols controlled under ECCNs 0A501 or 0A507, or certain sound suppressors capable of being used interchangeably with any combination of rifles, pistols, and shotguns. Sound suppressors that are for exclusive use with shotguns controlled under ECCNs 0A502 or 0A508 are enumerated under ECCN 0A502.f. To facilitate readability and aid in the identification of controlled items, BIS has also moved the items formerly identified in the header of ECCN 0A502 into item paragraphs within the ECCN as described in section I.F of this preamble.

BIS will require an authorization to export, reexport, or transfer (in-country) sound suppressors that are being added to the CCL, including releases of related technology and software controlled on the CCL, to foreign persons in the United States or abroad. Nothing in this IFR prohibits or otherwise limits persons in the United States from acquiring sound suppressors of any type; BIS is not responsible for regulating the sale or acquisition of these items within the United States.

License applications for these items will be reviewed to determine whether the proposed export, reexport, or transfer (in-country) is contrary to the national security or foreign policy

interests of the United States based upon their respective ECCN reasons for control and intended destination and end user. BIS, working with State, will ensure that appropriate regulatory oversight continues to be exercised over exports, reexports, and transfers (in-country), as well as temporary imports (in the form of certain entry clearance requirements), of these sound suppressors.

The changes described in section I of this preamble are expected to result in an increase of 200 license applications received annually by BIS, along with the availability of license exceptions or eligibility for license-free export, reexport, or transfer to or within certain destinations under the EAR.

C. Reasons for Control for Certain Silencers, Mufflers, and Sound Suppressors

The reasons for control for sound suppressors controlled under ECCNs 0A501.f and 0A502.f are the same reasons for control applicable to the firearms with which they are used; likewise, license exceptions available for other firearms parts, components, accessories, and attachments will be available for sound suppressors. The reasons for control for the sound suppressors being controlled under ECCN 0A501.f will be national security (NS Column 1 or NS1), regional stability (RS Column 1 or RS1), firearms convention (FC Column 1 or FC1), United Nations embargo (UN), and antiterrorism (AT Column 1 or AT1). The reasons for control for sound suppressors being controlled under ECCN 0A502.f will be FC1, UN, AT1, and a new RS control under paragraphs 742.6(a)(14) and (b)(15), which will allow these commodities to be exported or reexported to certain allied and partner countries without a license.

Paragraph (b)(1)(i) of § 742.6 (Regional stability) provides the licensing policy applicable to all items under ECCN 0A501. This policy will also apply to 0A501.f through an RS1 control imposed by this IFR. New RS paragraphs 742.6(a)(14) and (b)(15) will specify the licensing requirements and licensing policy applicable to items controlled under ECCN 0A502.f. This revision to § 742.6 is outlined in section I.E of this preamble. Applications for sound

suppressors will generally be reviewed on a case-by-case basis to all destinations to determine whether the transaction is contrary to U.S. national security or foreign policy interests.

Additionally, BIS controls the export and reexport of select categories of items to countries subject to United Nations Security Council arms embargoes (see § 746.1). A license is required to export or reexport items identified in part 774 as having a UN reason for control to countries identified in paragraph (b)(2) of § 746.1. To the extent consistent with United States national security and foreign policy interests, BIS will not approve applications for such licenses if the authorization would be contrary to the relevant United Nations Security Council Resolution.

BIS maintains a uniform licensing structure for the export of firearms and related items to all Organization of American States (OAS) member countries (see § 742.17 of the EAR). Items subject to these controls are identified by FC1 in the control(s) table of the applicable ECCNs. This IFR applies reason for control FC1 to ECCNs 0A501.f and 0A502.f. Additionally, the support documentation licensing requirements already specified in the EAR, consistent with the OAS requirement to provide an import certificate issued by the importing country, will apply to ECCNs 0A501.f and 0A502.f.

Finally, sound suppressors under ECCNs 0A501.f and 0A502.f will also be controlled for anti-terrorism reasons (AT1) (see 15 CFR part 742).

D. Certain license exception eligibility for certain silencers, mufflers, and sound suppressors

License Exception: Shipments of Limited Value (LVS)

Under ECCNs 0A501 and 0A502, this IFR adds paragraphs 0A501.f and 0A502.f to the LVS eligibility for the \$500 amount if the ultimate destination is Canada.

License Exception: Baggage (BAG)

License Exception BAG, § 740.14, allows United States citizens and permanent resident aliens leaving the United States temporarily to take firearms for personal use while abroad.

Within this provision, “parts,” “components,” “accessories,” or “attachments” controlled under ECCN 0A501 are permitted to be exported under paragraph 740.14(e)(3). Sound suppressors added to the CCL by this IFR are eligible for License Exception BAG as a “part,” “component,” “accessory” or “attachment” for a firearm controlled under their specified ECCN.

Additionally, this IFR also revises paragraph 740.14(e)(1) to add “parts,” “components,” “accessories,” or “attachments” controlled under ECCN 0A502 as items available to be exported under the provisions of License Exception BAG, thereby correcting the inadvertent omission of shotgun “parts,” “components,” “accessories,” or “attachments.”

License Exception: Temporary imports, exports, reexports, and transfers (in-country) (TMP)

As described in section II of this IFR, BIS revises License Exception TMP to allow for firearms, as well as related “parts,” “components,” “accessories,” and “attachments,” to be exported, reexported, or transferred (in-country) as a tool of trade. Sound suppressors qualify for this license exception as a “part,” “component,” “accessory,” or “attachment” of the specified firearms so long as the other requirements of revised § 740.9 are fulfilled and the export, reexport, or transfer (in-country) is not restricted under one of the general restrictions under § 740.2.

E. Revisions to the regional stability license review policy for certain silencers, mufflers, and sound suppressors

This IFR revises § 742.6 by adding paragraph (a)(14), which provides a policy for sound suppressors for exclusive use with commodities controlled under ECCNs 0A502 and 0A508 enumerated under paragraph 0A502.f. Paragraph 742.6(a)(14) specifies a license is required for the export or reexport of the commodities controlled under ECCN 0A502.f to all destinations other than North Atlantic Treaty Organization (NATO) member states, Australia, Austria, India, Ireland, Japan, Liechtenstein, New Zealand, South Korea, or Switzerland. (see NATO membership listing in § 772.1 of the EAR).

Paragraph 742.6(b)(15) specifies the licensing review policy for paragraph 742.6(a)(14). A license is required to export or reexport to all destinations not listed in paragraph 742.6(a)(14). Applications for commodities described in paragraph 742.6(a)(14) will be reviewed in accordance with the provisions of paragraph 742.6(b)(1)(i), which is generally a case-by-case basis to determine whether the transaction is contrary to U.S. national security or foreign policy interests pursuant to paragraph 742.6(b)(15). However, applications for exports or reexports of commodities in paragraph 742.6(a)(14) will also be reviewed under the other license review policies pursuant to paragraph 742.6(b)(1)(i) when applicable.

F. Revisions to the EAR that implement export controls on certain silencers, mufflers, and sound suppressors

Section 740.14 is revised by adding ‘, “parts,” “components,” “accessories,” or “attachments”’ to paragraph (e)(1) after the word ‘over.’ In § 740.14, paragraphs (e)(1)(ii) and (e)(1)(iii) are redesignated as paragraphs (e)(1)(iii) and (e)(1)(iv), respectively. Additionally, paragraph 740.14(e)(1)(iv) is revised to read as follows: ‘The commodities must be for the person’s exclusive use for legitimate hunting or lawful sporting purposes, scientific purposes, or personal protection, and not for resale or other transfer of ownership or control. Accordingly, except as provided in (e)(2) of this section, shotguns, “parts,” “components,” “accessories,” or “attachments” may not be exported permanently under this License Exception. All shotguns, “parts,” “components,” “accessories,” or “attachments” controlled under ECCN 0A502, and 0A508 and unused shotgun shells must be returned to the United States. Note that since certain countries may require an Import Certificate or a U.S. export license before allowing the import of a shotgun, you should determine the import requirements of your country of destination in advance.’ Finally, paragraph 740.14(e)(1)(ii) is revised to read as follows: “Parts,” “components,” “accessories,” and “attachments” exported pursuant to this paragraph (e)(1) must be of a kind and limited to quantities that are reasonable for the activities described in paragraph

(e)(1)(iv) of this section or that are necessary for routine maintenance of the firearms being exported.’

Section 742.6 is revised by adding paragraph (a)(14) with the following text: ‘*RS requirement for ECCN 0A502.f*. A license is required for the export or reexport of commodities specified in ECCN 0A502.f to all destinations other than North Atlantic Treaty Organization (NATO) member states, Australia, Austria, India, Ireland, Japan, Liechtenstein, New Zealand, South Korea, or Switzerland.’

Additionally, §742.6 is revised by adding paragraph (b)(15) to describe the license review policy for paragraph (a)(14). Applications for exports or reexports of items described in paragraph (a)(14) of this section will be reviewed pursuant to the license review policy of paragraph 742.6(b)(1)(i).

ECCN 0A501 is revised by adding ‘.f’ to the \$500 amount for LVS if the ultimate destination is Canada under the List Based License Exceptions section. ECCN 0A501 is further revised by adding ‘.f’ to the Special Conditions for STA. In the Related Controls paragraph in the List of Items Controlled, this IFR adds new Related Controls paragraphs ‘(9) See .f of this entry for silencers, mufflers, and sound suppressors capable of being used with commodities controlled under ECCNs 0A501, 0A502, 0A506, 0A507, and 0A508’ and ‘(10) See ECCN 0A502.f for silencers, mufflers, and sound suppressors for exclusive use with commodities controlled under ECCN 0A502 or 0A508’ in numerical order. Related control (1) is revised to indicate a broad cross-reference of USML Category I commodities. ECCN 0A501 is further revised by adding a new “items” paragraph .f to control ‘silencers, mufflers, and sound suppressors for use with a commodity controlled by paragraph .a or .b of this entry or ECCNs 0A506 or 0A507.’ A new Note 6 to 0A501.f is added to ECCN 0A501 with the text ‘*Silencers, mufflers, and sound suppressors controlled by this paragraph 0A501.f are those capable of being used with commodities controlled under ECCNs 0A501, 0A506, or 0A507, or those capable of being used with commodities controlled under ECCNs 0A501, 0A506, or 0A507 as well as*

commodities controlled under ECCN 0A502 or 0A508. For silencers, mufflers, and sound suppressors for exclusive use with a commodity controlled by ECCNs 0A502 or 0A508, see ECCN 0A502.f. Former Notes 6 through 9 are redesignated as Notes 7 through 10, respectively. Finally, this IFR redesignates paragraphs .g through .w as reserved in ECCN 0A501.

ECCN 0A502 is revised by this IFR so that the heading reads as follows: ‘0A502 Shotguns (except 0A508 semi-automatic shotguns) and related commodities (except semi-automatic related commodities enumerated or otherwise described in ECCN 0A509 for ECCN 0A508) as follows (see List of Items controlled).’ In the License Requirements section for ECCN 0A502, the control table is revised by adding a new RS row that states: ‘RS applies to paragraph .f’ under the Control(s) column and ‘See § 742.6(a)(14) and (b)(15) of the EAR’ under the Country Chart column. Additionally, the crime control (CC) row of the control table is revised under the control(s) column to read: ‘CC applies to shotguns with a barrel length less than 24 in. (60.96 cm) and paragraphs .c, .d, and .e controlled by this entry regardless of end user.’ In ECCN 0A502 under the List Based License Exceptions section, LVS is revised to read: ‘\$500 for 0A502.c, and .d’ and ‘\$500 for 0A502.c, .d, .e, and .f if the ultimate destination is Canada.’ Additionally, this IFR adds a new Related Controls paragraph that reads as follows: ‘(6) See 0A501.f for silencers, mufflers, and sound suppressors with the capability of being used with all commodities controlled under ECCNs 0A501, 0A502, 0A506, 0A507, and 0A508.’ in the List of Items Controlled section in numerical order. Also, related control (1) is revised to indicate a broad cross-reference of USML Category I commodities.

Additionally, in ECCN 0A502, new item paragraphs .a through .f are added, and the text ‘The list of items controlled is contained in the ECCN heading’ after ‘Items’ is removed. Paragraph .a is added with the text ‘Non-automatic and non-semi automatic centerfire (non-rimfire) shotguns.’ Paragraph .b is added with the text ‘Non-automatic and non-semi automatic rimfire shotguns.’ Paragraph .c is added with the text ‘Complete trigger mechanisms for a commodity controlled by paragraph .a or .b of this entry, ECCN 0A508, or USML Category I

(unless otherwise enumerated or elsewhere specified on the USML).’ Paragraph .d is added with the text ‘Magazines and magazine extension tubes for a commodity controlled by paragraph .a or .b of this entry or controlled by ECCN 0A508.’ Paragraph .e is added with the text “‘Complete breech mechanisms” for a commodity controlled by paragraph .a or .b of this entry.’ Note 1 to paragraph 0A502.e is added after paragraph 0A502.e with the text ‘*Frames (receivers) “specially designed” for semi-automatic shotguns are controlled under ECCN 0A509.d.*’ Paragraph .f is added with the text ‘Silencers, mufflers, and sound suppressors for exclusive use with a commodity controlled by ECCNs 0A502 or 0A508.’ Note 2 to 0A502 is added after paragraph .f with the following text: ‘*ECCN 0A502 does not control equipment used to slaughter domestic animals or used exclusively to treat or tranquilize animals; or arms designed solely for signal, flare, or saluting use.*’ Finally, former Note 1 to 0A502 is redesignated as Note 3 to 0A502.

ECCNs 0A506 and 0A507 are revised by this IFR by adding a new Related Controls paragraph ‘(9) See 0A501.f for silencers, mufflers, and sound suppressors capable of being used with commodities controlled under ECCNs 0A506 and 0A507 in the List of Items Controlled section in numerical order. Additionally, related control (1) is revised in ECCNs 0A506 and 0A507 to indicate a broad cross-reference of USML Category I commodities.

ECCN 0A508 is revised by this IFR by adding a new Related Controls paragraph ‘(5) See 0A502.f for silencers, mufflers, and sound suppressors for exclusive use with a commodity controlled under ECCNs 0A502 and 0A508’ in the List of Items Controlled section in numerical order. Finally, related control (1) is revised to indicate a broad cross-reference of USML Category I commodities.

II. Revisions to License Exception TMP

A. Overview of the changes to License Exception TMP

Section 740.9 of the EAR (License Exception TMP) authorizes various temporary exports, reexports, and transfers (in-country) of items subject to the EAR. In this IFR, BIS

revises § 740.9 to allow firearms and related items to be temporarily exported or reexported when used as tools of trade. This expansion is described under paragraph (a)(2) of § 740.9, as revised by this IFR.

BIS regularly approves licenses for the use of a firearm as a tool of trade in a wide range of contexts, such as for security contractors working at a U.S. embassy, the protection of shipping vessels and crews from piracy, and armored vehicle guards who cross the U.S. border daily for work. These types of activities are consistent with U.S. national security and foreign policy interests. However, prior to this IFR, the EAR did not have a provision authorizing, under a license exception, a company-owned firearm to be used by an employee to perform work duties when those duties resulted in the export or reexport of the firearm.

License Exception BAG, prior to this IFR, allowed for personally-owned firearms to be exported or reexported as a tool of trade, provided the requirements under paragraphs 740.10(b)(4) and (e) are met, and no restrictions under § 740.2 apply. This policy resulted in a situation where an employee could use a personal firearm as part of their employment duties, that resulted in an export of that firearm, under License Exception BAG; however, an employee who used a company-owned firearm in the performance of the same employment duties could not use a license exception, such as License Exception TMP (thereby requiring an export license).

To address this disparate treatment, the revisions to § 740.9 will allow certain firearms used as a tool of trade to be exported or reexported without a license, provided the export or reexport meets all of the applicable terms and conditions of the tools of trade provisions of License Exception TMP and is not restricted under § 740.2. These revisions are consistent with BIS's commitment to reduce the regulatory burden on the American people and the U.S. Government.

A provision is added to License Exception TMP under paragraph 740.9(a)(2) that specifies the following quantity limits on exports or reexports as tools of trade: no more than three firearms controlled under ECCNs 0A501, 0A506, and 0A507 and shotguns with a barrel

length of 18 inches or over controlled under ECCNs 0A502 and 0A508; “parts,” “components,” “accessories,” or “attachments” controlled under ECCNs 0A501, 0A502, or 0A509; commodities controlled under ECCN 0A504; and no more than 1,000 rounds of ammunition controlled under ECCN 0A505.a, .b, and .c.

The commodities exported or reexported under the provisions of paragraph (a)(2) in § 740.9 must be for legitimate business purposes. Additionally, these commodities are prohibited from resale or other transfer of ownership or control by this provision. These commodities may not be exported or reexported permanently under this license exception. The owner of the commodity or the owner’s employee must maintain “effective control” of the commodity. All commodities utilizing this license exception must ultimately be returned to the United States or the country of reexport.

Please be aware that certain countries may require an Import Certificate or a U.S. export license before allowing the import of a firearm; you should determine the import requirements of the country of destination before utilizing License Exception TMP for a tool of trade. Also, travelers leaving the United States temporarily are required to declare the firearms, “parts,” “components,” “accessories,” “attachments,” and ammunition being exported under the provisions of this license exception to a Customs and Border Protection (CBP) officer prior to departure from the United States and present such items to a CBP officer for inspection, confirming that the authority for the export is License Exception TMP and that the exporter has complied with its terms.

The changes described in section IV of this preamble are expected to result in a decrease of 40 license applications received annually by BIS.

B. Revisions to the EAR for License Exception TMP

This IFR revises § 740.9 by adding the text ‘paragraph (a)(2) of this section (“*Firearms and firearms-related commodities used as tools of trade*”),’ to the fifth sentence of paragraph (a).

The heading of paragraph 740.9(a)(1) is revised by adding ‘(apart from firearms and firearms-related commodities)’ after ‘Tools of trade.’ The first sentence of paragraph 740.9(a)(1) is revised by adding the words ‘temporary’ before and ‘abroad’ after the word ‘use.’ The sentence ‘Firearms and firearms-related commodities used as tools of trade are specified in paragraph (a)(2) of this section.’ is added after the fifth sentence of paragraph 740.9(a)(1).

Paragraph 740.9(a)(2) is revised to read ‘*Firearms and firearms-related commodities used as tools of trade*’. This paragraph (a)(2) authorizes the export or reexport for temporary use abroad of firearms controlled under ECCNs 0A501, 0A506, and 0A507; shotguns with a barrel length of 18 inches or over controlled under ECCNs 0A502 and 0A508; “parts,” “components,” “accessories,” or “attachments” controlled under ECCNs 0A501, 0A502, or 0A509; commodities controlled under ECCN 0A504; and ammunition controlled under ECCN 0A505.a, .b, and .c made only to destinations other than Country Group E:1, subject to the following limitations.

Paragraph 740.9(a)(2)(i) is added to specify that no more than three firearms and no more than 1,000 rounds of ammunition may be exported or reexported as tools of trade.

Paragraph 740.9(a)(2)(ii) is added with text to specify that “Parts,” “components,” “accessories,” and “attachments” in ECCNs 0A501, 0A502, 0A509 or commodities controlled under 0A504 exported or reexport must be of a kind and limited to quantities that are reasonable for legitimate business purposes described in this section or that are necessary for routine use or maintenance of the commodities being exported.

Paragraph 740.9(a)(2)(iii) is added to specify that legitimate business purposes include personal protection, or the protection of property or individuals, and that the commodities described in this paragraph may not be for resale or other transfer of ownership or control. The commodity must remain under the “effective control” of its owner or an employee of the owner of the commodity. All commodities described in paragraph 740.9(a)(2) must be returned to the United States or the country from which the reexport originates. Paragraph 740.9(a)(2)(iii) also notes that since certain countries may require an Import Certificate or a U.S. export license

before allowing the import of a firearm, you should determine the import requirements of the country of destination in advance.

Finally, paragraph 740.9(a)(2)(iv) is added to specify that travelers leaving the United States temporarily are required to declare the firearms, “parts,” “components,” “accessories,” “attachments,” and ammunition being exported under License Exception TMP to a 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 TMP and that the exporter has complied with its terms.

III. Revision to the Entry Clearance Requirements for Temporary Imports

A. Background

Under § 758.10 (Entry clearance requirements for temporary imports), paragraph (a) specifies the temporary import entry clearance requirements for importers of certain firearms subject to the EAR that are on the United States Munitions Import List (USMIL) (27 CFR 447.21). These entry clearance requirements are used by BIS to identify transactions that constitute temporary imports under the EAR that would otherwise constitute permanent imports that would have to be authorized under Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorities. Prior to this IFR, these entry clearance requirements under the EAR applied to certain firearms but also applied (and continue to apply) to any item that is both on the CCL (hence subject to the EAR) and listed on the USMIL. This IFR makes regulatory changes to reflect this scope by broadening the applicability of this section to include all items listed on both the CCL and USMIL.

Specifically, prior to this IFR, paragraph 758.10(a) listed end-item firearms in ECCNs 0A501.a or .b, 0A506 or 0A507, or shotguns with a barrel length less than 18 inches controlled in ECCNs 0A502 or 0A508. However, the cross-over between items that are subject to the EAR on the CCL and the USMIL includes additional 0x5zz items, such as 0A501.x “specially designed” “components” for firearms and certain “600 series” items. Prior to this IFR, the EAR

was silent on whether temporary importers could rely on § 758.10 for the temporary import of these 0x5zz items and certain “600 series” items. The lack of an express reference created an unnecessary regulatory burden on temporary importers because the intent of § 758.10 was to preserve the distinction that had existed prior to March 2020 between State, Directorate of Defense Trade Controls (DDTC), and the ATF for temporary imports authorized under DDTC authorities and permanent imports authorized under ATF authorities.

Through the regulatory change made by this IFR, BIS is making explicit longstanding guidance that it developed, in consultation with ATF, and had been providing informally, that temporary importers could follow the temporary imports entry clearance requirements in § 758.10 to facilitate the temporary import of these additional 0x5zz and “600 series” items subject to the EAR that are also on the USMIL. Temporary importers told BIS that they thought that following these requirements was helpful to head off any potential questions from CBP or ATF regarding why these additional 0x5zz or “600 series” items were being temporarily imported into the United States under the EAR for subsequent export under the EAR.

B. Overview of the changes to the temporary import clearance requirements

This IFR expands the items scope of § 758.10 (Entry clearance requirements for temporary imports) by revising paragraph (a), which is necessary due to the fact that the crossover between the CCL and USMIL is not limited to end-item firearms that are in ECCNs 0A501.a or .b, 0A506 or 0A507, or shotguns with a barrel length less than 18 inches controlled in ECCNs 0A502 or 0A508. This regulatory crossover includes additional 0x5zz items, such as the sound suppressors added to 0A501.f and 0A502.f, as well as certain 0A501.x “specially designed” “components” for firearms and certain “600 series” items.

While these revisions to paragraph 758.10(a) expand the scope of items to allow for a greater number of temporary importers to benefit from these temporary entry clearance requirements, they will result in a slight increase in the burden hours for temporary importers and exporters because of the documentation that needs to be provided to CBP at the time of

temporary import and export of these items. However, these revisions reduce the overall regulatory burden on temporary importers by explicitly stating that these items can be imported by complying with BIS's entry clearance requirements without the need for a separate ATF permit.

C. Revisions to the EAR for temporary import clearance requirements

In this IFR, § 758.10 is revised by replacing the word 'firearms' in paragraphs (a), (a)(1), (b)(1)(ii), and (b)(1)(iii) with the term "items" as defined in § 772.1 of the EAR. In § 758.10, paragraph (a) is further revised by replacing the text 'ECCNs 0A501.a or .b, 0A506 or 0A507, or shotguns with a barrel length less than 18 inches controlled in ECCNs 0A502 or 0A508' with the text '0x5zz ECCNs, or in certain "600 series" ECCNs' to the second sentence of the paragraph.

Savings Clause

For the changes being made in this IFR, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR), provided the export, reexport, or transfer (in-country) is completed no later than on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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 IFR. In particular, and as noted elsewhere, Section 1753 of ECRA (50 U.S.C. Section 4812) authorizes the

regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction. Further, Section 1754(a)(1)-(16) of ECRA (50 U.S.C. Section 4813(a)(1)-(16)) authorizes, *inter alia*, the establishment of a list of controlled items; the prohibition of unauthorized exports, reexports, and transfers (in-country); the requirement of licenses or other authorizations for exports, reexports, and transfers (in-country) of controlled items; apprising the public of changes in policy, regulations, and procedures; and any other action necessary to carry out ECRA that is not otherwise prohibited by law. Pursuant to Section 1762(a) of ECRA (50 U.S.C. Section 4821(a)), these changes can be imposed in an IFR without prior notice and comment.

Rulemaking Requirements

1. BIS has examined the impact of this rule as required by Executive Orders (E.O.) 12866 and 13563, 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 (*e.g.*, potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). This interim final rule is considered a “significant regulatory action” under section 3(f) of Executive Order 12866. This rule is exempt from the requirements of E.O. 14192 because it is being issued with respect to a national security function of the United States, per section 5(a) of E.O. 14192.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person 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 rule involves the following OMB-approved collections under control numbers 0694-0088, “Multi-Purpose Application;” 0694-0096, “Five Year Records Retention Period;” 0694-0122, “Licensing Responsibilities and Enforcement 0694-0137, “License Exceptions and Exclusions;” and 0607-0152, “Automated Export System (AES) Program.”

For OMB control number 0694-0088, *Simple Network Application Process and Multipurpose Application Form*. BIS expects an annual increase of approximately 160 licenses, resulting in an increase of 80 burden hours per year for this collection with an estimated cost increase of \$3,040. For OMB control number 0694-0137, *License Exceptions and Exclusions*, BIS expects a slight decrease in 5 burden hours per year for this collection with an estimated cost decrease of \$190 related to the revision to § 740.9 for items allowed under tools of trade for firearms and related commodities.

Changes impacting OMB control numbers 0694-0096, 0694-0122, and 0607-0152 *Five Year Records Retention Period, Licensing Responsibilities and Enforcement*, and *Automated Export System (AES) Program* respectively, are not expected to result in a change in burden hours.

3. This rule does not contain policies with federalism implications as that term is defined in E.O. 13132.
4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.
5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects

15 CFR Parts 740 and 758

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

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, BIS amends 15 CFR parts 740, 742, 758, and 774 as follows:

PART 740 – LICENSE EXCEPTIONS

1. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the authority citation for 15 CFR part 740 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 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.

2. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], amend § 740.9 by revising paragraphs (a) introductory text and (a)(1) and adding paragraph (a)(2) 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, 0A506 or 0A507, or shotguns with a barrel

length less than 18 inches controlled under ECCN 0A502 or 0A508 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 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)(2) of this section (“*Firearms and firearms-related commodities used as tools of trade*”), 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 ECCNs 0A501.a or .b, 0A506, or 0A507 that are shipped from or manufactured in a Country Group D:5 country, or that are shipped from or manufactured in Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model designation (if assigned) controlled by ECCNs 0A501, 0A506, or 0A507 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 ECCNs 0A502 or 0A508 that are shipped from or manufactured in a Country Group D:5 country, or from Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception TMP under paragraph (b)(5) of this section.

(1) *Tools of trade (apart from firearms and firearms-related commodities)*. Exports, reexports, or transfers (in-country) of commodities and software as tools of trade for temporary use abroad by the exporter or employees of the exporter may be made only to destinations other than Country Group E:1 and for MT controlled commodities or software may be made only to destinations

other than Country Groups D:4 and D:5. The tools of trade must remain under the “effective control” of the exporter or the exporter's employee. Eligible items are usual and reasonable kinds and quantities of tools of trade for use in a lawful enterprise or undertaking of the exporter. Tools of trade include, but are not limited to, commodities and software as is necessary to commission or service items, provided that the commodity or software is appropriate for this purpose and that all items to be commissioned or serviced are of foreign origin, or if subject to the EAR, have been lawfully exported, reexported, or transferred. Tools of trade may accompany the individual departing from the United States or may be shipped unaccompanied within one month before the individual's departure from the United States, or at any time after departure. Software used as a tool of trade must be protected against unauthorized access. Examples of security precautions to help prevent unauthorized access include the following:

- (i) Use of secure connections, such as Virtual Private Network connections, when accessing IT networks for activities that involve the transmission and use of the software authorized under this license exception;
- (ii) Use of password systems on electronic devices that store the software authorized under this license exception; and
- (iii) Use of personal firewalls on electronic devices that store the software authorized under this license exception.

(2) *Firearms and firearms-related commodities used as tools of trade.* This paragraph (a)(2) authorizes the export or reexport for temporary use abroad of firearms controlled under ECCNs 0A501, 0A506, and 0A507; shotguns with a barrel length of 18 inches or over controlled under ECCNs 0A502 and 0A508; “parts,” “components,” “accessories,” or “attachments” controlled under ECCNs 0A501, 0A502, or 0A509; commodities controlled under ECCN 0A504; and ammunition controlled under ECCN 0A505.a, .b, and .c made only to destinations other than Country Group E:1, subject to the following limitations:

- (i) No more than three firearms and no more than 1,000 rounds of ammunition may be exported, reexported, or transferred (in-country) as tools of trade under this paragraph (a)(2);
- (ii) “Parts,” “components,” “accessories,” and “attachments” in ECCNs 0A501, 0A502, 0A509 or commodities controlled under 0A504 exported or reexport pursuant to this paragraph (a)(2)(ii) must be of a kind and limited to quantities that are reasonable for the activities described in paragraph (a)(2)(iii) of this section or that are necessary for routine use or maintenance of the commodities being exported;
- (iii) The commodities described in this paragraph (a)(2) must be for the exclusive use for legitimate business purposes, such as for personal protection or the protection of property or individuals, and not for resale or other transfer of ownership or control. The commodity must remain under the “effective control” of its owner or an employee of the owner of the commodity. All commodities described in this paragraph (a)(2) must be returned to the United States or to the country from which the reexport originates. Note that since certain countries may require an Import Certificate or a U.S. export license before allowing the import of a firearm, you should determine the import requirements of the country of destination in advance; *and*
- (iv) Travelers leaving the United States temporarily are required to declare the firearms, “parts,” “components,” “accessories,” “attachments,” and ammunition being exported 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 TMP and that the exporter has complied with its terms.

* * * * *

3. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], amend § 740.14 by revising paragraphs (e)(1) introductory text and (e)(1)(ii) and (iii) and adding paragraph (e)(1)(iv) to read as follows:

§ 740.14 Baggage (BAG).

* * * * *

(e) * * *

(1) A United States citizen or a permanent resident alien leaving the United States may export or reexport shotguns with a barrel length of 18 inches or over, “parts,” “components,” “accessories,” or “attachments” controlled under ECCN 0A502 and 0A508 and shotgun shells controlled under ECCN 0A505.b and .c under this License Exception, subject to the following limitations:

* * * * *

(ii) “Parts,” “components,” “accessories,” and “attachments” exported pursuant to this paragraph (e)(1) must be of a kind and limited to quantities that are reasonable for the activities described in paragraph (e)(1)(iv) of this section or that are necessary for routine maintenance of the firearms being exported or reexported.

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

(iv) The commodities must be for the person’s exclusive use for legitimate hunting or lawful sporting purposes, scientific purposes, or personal protection, and not for resale or other transfer of ownership or control. Accordingly, except as provided in paragraph (e)(2) of this section, shotguns, “parts,” “components,” “accessories,” or “attachments” may not be exported permanently under this License Exception. All shotguns, “parts,” “components,” “accessories,” or “attachments” controlled under ECCN 0A502 and 0A508, and unused shotgun shells must be returned to the United States. Note that since certain countries may require an Import Certificate or a U.S. export license before allowing the import of a shotgun, you should determine the import requirements of your country of destination in advance.

* * * * *

PART 742 – CONTROL POLICY – CCL BASED CONTROLS

4. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the authority citation for 15 CFR part 742 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.*; 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.

5. Effective [INSERT DATE 120 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], amend § 742.6 by adding paragraphs (a)(14) and (b)(15) to read as follows:

§ 742.6 Regional stability.

* * * * *

(a) * * *

(14) *RS requirement for ECCN 0A502.f.* A license is required for the export or reexport of commodities specified in ECCN 0A502.f to all destinations other than North Atlantic Treaty Organization (NATO) member states, Australia, Austria, India, Ireland, Japan, Liechtenstein, New Zealand, South Korea, or Switzerland.

(b) * * *

(15) *License review policy for paragraph (a)(14).* Applications for exports or reexports of items described in paragraph (a)(14) of this section will be reviewed pursuant to the license review policy of paragraph (b)(1)(i) of this section. (Also note the end-use and end-user restrictions in part 744 of the EAR and the restrictions that apply to embargoed countries in part 746 of the EAR.)

* * * * *

6. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], amend § 742.7 by revising paragraph (a)(1) to read as follows:

§ 742.7 Crime control and detection.

(a) * * *

(1) Crime control and detection instruments and equipment and related “technology” and “software” identified in the appropriate ECCNs on the CCL under CC Column 1 in the Country Chart column of the “License Requirements” section. A license is required to countries listed in CC Column 1 (supplement no. 1 to part 738 of the EAR). Items affected by this requirement are identified on the CCL under the following ECCNs: 0A502 (for shotguns with a barrel length less than 24 inches and shotgun “parts” and “components”), 0A502.c, 0A502.d, 0A502.e, 0A504, 0A505.b, 0A508 (for shotguns with a barrel length less than 24 inches and shotgun “parts” and “components”), 0A509.a (for items for ECCN 0A502 or ECCN 0A508), 0A509.d, 0A977, 0A978, 0A979, 0D977, 0E502, 0E505 (“technology” for “development” or for “production” of buckshot shotgun shells controlled under ECCN 0A505.b), 0E977, 1A984, 1A985, 3A980, 3A981, 3D980, 3E980, 4A003 (for fingerprint computers only), 4A980, 4D001 (for fingerprint computers only), 4D980, 4E001 (for fingerprint computers only), 4E980, 6A002 (for police-model infrared viewers only), 6E001 (for police-model infrared viewers only), 6E002 (for police-model infrared viewers only), and 9A980.

* * * * *

PART 758 – EXPORT CLEARANCE REQUIREMENTS AND AUTHORITIES

7. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the authority citation for 15 CFR part 758 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 1701 *et seq.*

8. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], amend § 758.1 by revising paragraph (g)(4)(ii) and note 2 to paragraph (g)(4) to read as follows:

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

* * * * *

(g) * * *

(4) * * *

(ii) *Identifying 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, 0A506.a or .b, 0A507.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCNs 0A502.a or .b or 0A508.a or .b, in addition to any other required data for the associated EEI filing, the exporter must include the items paragraph classification or other control descriptor as specified in paragraphs (g)(4)(ii)(A) through (E) for ECCNs 0A501, 0A502, 0A506, 0A507, or 0A508, as applicable, as the first text to appear in the Commodity description block in the EEI filing in AES. (*See* § 743.4 of the EAR for the use of this information for ECCNs 0A501.a or .b, 0A506.a or .b, and 0A507.a, or .b for conventional arms reporting).

Note 2 to paragraph (g)(4): If a commodity described in this paragraph (g)(4) 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 this paragraph (g)(4) was destroyed while being repaired after being exported under § 740.9(a)(6), the commodity described in this 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 this 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.

* * * * *

9. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], amend § 758.10 by revising paragraphs (a) introductory text, (a)(1), and (b)(1)(ii) and (iii) and notes 1 and 2 to paragraph (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 “items” “subject to the EAR” that are on the United States Munitions Import List (USMIL, 27 CFR 447.21), except for “items” “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 “items” “subject to the EAR”). These “items” are controlled in 0x5zz ECCNs, or in certain “600 series” ECCNs. “Items” that are temporarily exported under the EAR must have met the export clearance requirements specified in § 758.1.

(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 “items” described in this section must meet the entry clearance requirements specified in paragraph (b) of this section.

* * * * *

(b) * * *

(1) * * *

(ii) Provide 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 “items” being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value;

(iii) Provide (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 “items” while they are in the United States; or

* * * * *

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, 0A506 or 0A507 that are shipped from or manufactured in a Country Group D:5 country; or that are shipped from or manufactured in Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model controlled by 0A501.a or .b, 0A506, or 0A507 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 ECCNs 0A502 or 0A508 that are shipped from or manufactured in a Country Group D:5 country, or from 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, 0A506, or 0A507 that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model controlled by 0A501.a or .b, 0A506, or 0A507 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 ECCNs 0A502 or 0A508 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.

* * * * *

PART 774 – THE COMMERCE CONTROL LIST

10. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the authority citation for 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.

11. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], amend supplement no. 1 to part 774 by revising ECCN 0A502 to read as follows:

Supplement No. 1 to Part 774 – The Commerce Control List

* * * * *

0A502 Shotguns (except 0A508 semi-automatic shotguns) and related commodities (except semi-automatic related commodities enumerated or otherwise described in ECCN 0A509 for ECCN 0A508) as follows (see List of Items controlled).

License Requirements

Reason for Control: RS, FC, CC, 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 paragraphs .c, .d, and .e 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.c, and .d.

\$500 for 0A502.c, .d, and .e if the ultimate destination is Canada.

GBS: N/A

Special Conditions for STA

License Exception STA may not be used to ship any shotguns with barrel length less than 18 inches controlled in 0A502, to any of the destinations listed in Country Group A:5 or A:6 (See supplement no.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See USML Category I for shotguns described therein. (2) See ECCN 0A508 for semi-automatic shotguns. (3) See ECCN 0A509 for enumerated or otherwise described “parts,” “components,” devices, “accessories,” and “attachments” for ECCN 0A508. (4) See 0A501.d, .x, and .y for other “parts,” “components,” “accessories,” and “attachments” “specially designed” for 0A508. (5) See ECCNs 0A501 for non-semi-automatic firearms, 0A506 for semi-automatic rifles, and 0A507 for semi-automatic pistols.

Related Definitions: N/A

Items:

- a. Non-automatic and non-semi automatic centerfire (non-rimfire) shotguns.
- b. Non-automatic and non-semi automatic rimfire shotguns.

c. Complete trigger mechanisms for a commodity controlled by paragraph .a or .b of this entry, ECCN 0A508, or USML Category I (unless otherwise enumerated or elsewhere specified on the USML).

d. Magazines and magazine extension tubes for a commodity controlled by paragraph .a or .b of this entry or controlled by ECCN 0A508.

e. “Complete breech mechanisms” for a commodity controlled by paragraph .a or .b of this entry.

***Note 1 to paragraph 0A502.e:** Frames (receivers) “specially designed” for semi-automatic shotguns are controlled under ECCN 0A509.d.*

***Note 2 to 0A502:** ECCN 0A502 does not control equipment used to slaughter domestic animals or used exclusively to treat or tranquilize animals; or arms designed solely for signal, flare, or saluting use.*

***Note 3 to 0A502:** Shotguns made in or before 1898 are considered antique shotguns and designated as EAR99.*

***Technical Note:** Non-automatic and non-semi-automatic shot pistols or shotguns that have had the shoulder stock removed and a pistol grip attached are controlled by ECCN 0A502. Non-automatic and non-semi-automatic slug guns are also controlled under ECCN 0A502.*

* * * * *

12. Effective [INSERT DATE 120 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], further amend supplement no. 1 to part 774 by revising ECCNs 0A501, 0A502, 0A506, 0A507, and 0A508 to read as follows.

Supplement No. 1 to Part 774 – The Commerce Control List

* * * * *

0A501 Firearms (except 0A502 shotguns, 0A506 semi-automatic rifles, 0A507 semi-automatic pistols, and 0A508 semi-automatic shotguns) and related commodities (except semi-automatic related commodities enumerated or otherwise described in ECCN 0A509 for ECCNs 0A506, 0A507, or 0A508) as follows (see List of Items controlled).

License Requirements

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

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, .f, and .x if the ultimate destination is Canada.

GBS: N/A

Special Conditions for STA

License Exception STA may not be used for ECCN 0A501.a, .b, .c, .d, .e, or .f to any of the destinations listed in Country Group A:5 or A:6 (See supplement no.1 to part 740 of the EAR).

License Exception STA may not be used for any item in this entry to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See USML Category I for firearms described therein and certain related items. (2) See ECCN 0A506 for semi-automatic rifles. (3) See ECCN 0A507 for semi-automatic

pistols. (4) See ECCN 0A508 for semi-automatic shotguns and ECCN 0A502 for certain “parts” and “components” for semi-automatic shotguns that are not controlled by 0A509.a or .c. (5) See ECCN 0A509 for enumerated or otherwise described “parts,” “components,” devices, “accessories,” and “attachments” for ECCNs 0A506, 0A507, and 0A508. (6) See .d, .x, and .y of this entry for other “parts,” “components,” “accessories,” and “attachments” “specially designed” for 0A506 and 0A507, or 0A508. (7) See ECCN 0A502 for non-automatic shotguns and their “parts” and “components” that are subject to the EAR and for certain “parts” and “components” for semi-automatic shotguns that are not controlled by 0A509.a or .c. (8) See ECCN 0A504 and USML Category XII for controls on optical sighting devices. (9) See .f of this entry for silencers, mufflers, and sound suppressors capable of being used with commodities controlled under ECCN 0A501, 0A502, 0A506, 0A507, and 0A508. (10) See ECCN 0A502.f for silencers, mufflers, and sound suppressors for exclusive use with commodities controlled under ECCN 0A502 or 0A508.

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 equal to .50 caliber (12.7 mm) or less are controlled under ECCNs 0A506 and 0A507.

Technical Note to 0A501.a: Firearms described in 0A501.a include 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 ECCNs 0A506 or 0A507, or USML Category I (unless otherwise enumerated or elsewhere specified on the USML or controlled under ECCN 0A509): 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), or 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 or controlled by ECCNs 0A506 or 0A507.

***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 18 U.S.C. 921(a)(3); 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 0A509.b or .c.*

f. Silencers, mufflers, and sound suppressors for use with a commodity controlled by paragraph .a or .b of this entry or ECCNs 0A506 or 0A507.

***Note 6 to 0A501.f:** Silencers, mufflers, and sound suppressors controlled by this paragraph 0A501.f are those capable of being used with commodities controlled under ECCNs 0A501, 0A506, or 0A507, or those capable of being used with commodities controlled under ECCNs 0A501, 0A506, or 0A507 as well as commodities controlled under ECCN 0A502 or 0A508. For silencers, mufflers, and sound suppressors for exclusive use with a commodity controlled by ECCNs 0A502 or 0A508, see ECCN 0A502.f.*

g. through w. [Reserved]

x. “Parts” and “components” that are “specially designed” for a commodity classified under paragraphs .a through .c of this entry, a commodity classified under ECCNs 0A506 or 0A507, or the USML and not elsewhere specified on the USML or CCL or controlled under ECCN 0A509.

y. Specific “parts,” “components,” “accessories” and “attachments” “specially designed” for a commodity subject to control in this ECCN, ECCNs 0A506, 0A507, 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:** ECCN 0A501 includes “parts” and “components” that are not “subject to the ITAR” even though they are common to firearms described in ECCN 0A501 and to those firearms “subject to the ITAR.”*

Technical Note 2 to 0A501: *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 7 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 8 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 described on the USML nor controlled as shotguns under ECCN 0A502 are EAR99 commodities.*

Note 9 to 0A501: *Scope mounts or accessory rails, iron sights, sling swivels, and butt plates or recoil pads that are subject to the EAR are designated as EAR99. These commodities have been determined to no longer warrant being “specially designed” for purposes of ECCN 0A501.*

Note 10 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 0A501 firearm disassembled in a kit form is controlled as a firearm under 0A501.a, .b, or .y.7.*

0A502 Shotguns (except 0A508 semi-automatic shotguns) and related commodities (except semi-automatic related commodities enumerated or otherwise described in ECCN 0A509 for ECCN 0A508) as follows (see List of Items controlled).

License Requirements

Reason for Control: RS, FC, CC, 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
RS applies to paragraph .f	See § 742.6(a)(14) and (b)(15) of the EAR
FC applies to entire entry	FC Column 1
CC applies to shotguns with a barrel length less than 24 in. (60.96 cm) and paragraphs .c, .d, and .e 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.c, and .d.

\$500 for 0A502.c, .d, .e, and .f if the ultimate destination is Canada.

GBS: N/A

Special Conditions for STA

License Exception STA may not be used to ship any shotguns with barrel length less than 18 inches controlled in 0A502, to any of the destinations listed in Country Group A:5 or A:6 (See supplement no.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See USML Category I for shotguns described therein. (2) See ECCN 0A508 for semi-automatic shotguns. (3) See ECCN 0A509 for enumerated or otherwise described “parts,” “components,” devices, “accessories,” and “attachments” for ECCN 0A508. (4) See 0A501.d, .x, and .y for other “parts,” “components,” “accessories,” and “attachments” “specially designed” for 0A508. (5) See ECCNs 0A501 for non-semi-automatic firearms, 0A506 for semi-automatic rifles, and 0A507 for semi-automatic pistols. (6) See 0A501.f for silencers, mufflers, and sound suppressors with the capability of being used with all commodities controlled under ECCNs 0A501, 0A502, 0A506, 0A507, and 0A508.

Related Definitions: N/A

Items:

- a. Non-automatic and non-semi automatic centerfire (non-rimfire) shotguns.
- b. Non-automatic and non-semi automatic rimfire shotguns.
- c. Complete trigger mechanisms for a commodity controlled by paragraph .a or .b of this entry, ECCN 0A508, or USML Category I (unless otherwise enumerated or elsewhere specified on the USML).
- d. Magazines and magazine extension tubes for a commodity controlled by paragraph .a or .b of this entry or controlled by ECCN 0A508.
- e. “Complete breech mechanisms” for a commodity controlled by paragraph .a or .b of this entry.

Note 1 to paragraph 0A502.e: Frames (receivers) “specially designed” for semi-automatic shotguns are controlled under ECCN 0A509.d.

f. Silencers, mufflers, and sound suppressors for exclusive use with a commodity controlled by ECCNs 0A502 or 0A508.

***Note 2 to 0A502:** ECCN 0A502 does not control equipment used to slaughter domestic animals or used exclusively to treat or tranquilize animals; or arms designed solely for signal, flare, or saluting use.*

***Note 3 to 0A502:** Shotguns made in or before 1898 are considered antique shotguns and designated as EAR99.*

***Technical Note:** Non-automatic and non-semi-automatic shot pistols or shotguns that have had the shoulder stock removed and a pistol grip attached are controlled by ECCN 0A502. Non-automatic and non-semi-automatic slug guns are also controlled under ECCN 0A502.*

* * * * *

0A506 Semi-Automatic Rifles as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, FC, 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
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

License Exception STA may not be used for ECCN 0A506, to any of the destinations listed in Country Group A:5 or A:6 (See supplement no.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See USML Category I for firearms described therein, and certain related items. (2) See ECCN 0A507 for semi-automatic pistols, excluding pistols built with, *e.g.*, AR- or AK-style receivers (frames), which are controlled under ECCN 0A506. (3) See ECCN 0A508 for semi-automatic shotguns and ECCN 0A502 for certain “parts” and “components” for semi-automatic shotguns that are not controlled by 0A509.a or .c. (4) See ECCN 0A509 for enumerated or otherwise described “parts,” “components,” devices, “accessories,” and “attachments” for ECCNs 0A506, 0A507, and 0A508. (5) See 0A501.c, .d, .x, and .y for other “parts,” “components,” “accessories,” and “attachments” “specially designed” for 0A506 and 0A507, or 0A508. (6) See ECCN 0A501 for non-semi-automatic firearms (except 0A502 shotguns) and related commodities that are subject to the EAR. (7) See ECCN 0A502 for non-automatic shotguns and their “parts” and “components” that are subject to the EAR and certain “parts” and “components” for semi-automatic shotguns that are not controlled by 0A509.a or .c. (8) See ECCN 0A504 and USML Category XII for controls on optical sighting devices. (9) See 0A501.f for silencers, mufflers, and sound suppressors capable of being used with commodities controlled under ECCNs 0A506 and 0A507.

Related Definitions: N/A

Items:

- a. Semi-automatic centerfire (non-rimfire) rifles equal to .50 caliber (12.7 mm) or less.
- b. Semi-automatic rimfire rifles equal to .50 caliber (12.7 mm) or less.

Note 1 to 0A506.a and .b: “Parts” and “components” that are “specially designed” for a commodity classified under .a or .b of this entry, except those controlled under ECCN 0A509, are controlled under ECCN 0A501.c, .d, .x, or .y.

Technical Note 1 to 0A506: Firearms described in 0A506 include those chambered for the .50 BMG cartridge.

Technical Note 2 to 0A506: Firearms described in 0A506 include pistols built with, e.g., AR- or AK-style receivers (frames).

0A507 Semi-Automatic Pistols as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, FC, 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
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

License Exception STA may not be used for ECCN 0A507, to any of the destinations listed in Country Group A:5 or A:6 (See supplement no.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See USML Category I for firearms described therein, and certain related items. (2) See ECCN 0A506 for semi-automatic rifles. (3) See ECCN 0A508 for semi-automatic shotguns and ECCN 0A502 for certain “parts” and “components” for semi-automatic shotguns that are not controlled by 0A509.a or .c. (4) See ECCN 0A509 for enumerated or otherwise

described “parts,” “components,” devices, “accessories,” and “attachments” for ECCNs 0A506, 0A507, and 0A508. (5) See ECCN 0A501.c, .d, .x, and .y for other “parts,” “components,” “accessories,” and “attachments” “specially designed” for 0A506 and 0A507, or 0A508. (6) See ECCN 0A501 for non-semi-automatic firearms (except 0A502 shotguns) and related commodities that are subject to the EAR. (7) See ECCN 0A502 for non-automatic shotguns and their “parts” and “components” that are subject to the EAR and certain “parts” and “components” for semi-automatic shotguns that are not controlled by 0A509.a or .c. (8) See ECCN 0A504 and USML Category XII for controls on optical sighting devices. (9) See 0A501.f for silencers, mufflers, and sound suppressors capable of being used with commodities controlled under ECCNs 0A506 and 0A507.

Related Definitions: N/A

Items:

- a. Semi-automatic centerfire (non-rimfire) pistols equal to .50 caliber (12.7 mm) or less.
- b. Semi-automatic rimfire pistols equal to .50 caliber (12.7 mm) or less.

Note 1 to 0A507.a and .b: “Parts” and “components” that are “specially designed” for a commodity classified under .a or .b of this entry, except those controlled under ECCN 0A509, are controlled under ECCN 0A501.c, .d, .x, or .y.

Note 2 to 0A507: Firearms, including pistols, built with, e.g., AR- or AK-style receivers (frames) are controlled under ECCN 0A506.

Technical Note to 0A507: Firearms described in 0A507 includes those chambered for the .50 BMG cartridge, including revolvers, or that may be developed to fire .50 BMG cartridges.

0A508 Semi-Automatic Shotguns 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 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: N/A

GBS: N/A

Special Conditions for STA

License Exception STA may not be used to ship any shotguns with barrel length less than 18 inches controlled in 0A508, to any of the destinations listed in Country Group A:5 or A:6 (See supplement no.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See USML Category I for shotguns described therein. (2) See ECCN 0A502 for non-semi-automatic shotguns. (3) See ECCN 0A509 for enumerated or otherwise described “parts,” “components,” devices, “accessories,” and “attachments” for ECCN 0A508. (4) See 0A501.d, .x, and .y for other “parts,” “components,” “accessories,” and “attachments” “specially designed” for 0A508. (5) See ECCNs 0A501 for non-semi-automatic firearms, 0A506 for semi-automatic rifles, and 0A507 for semi-automatic pistols. (5) See 0A502.f for silencers, mufflers, and sound suppressors for exclusive use with a commodity controlled under ECCNs 0A502 and 0A508.

Related Definitions: N/A

Items:

- a. Semi-automatic centerfire (non-rimfire) shotguns.
- b. Semi-automatic rimfire shotguns.

* * * * *

Julia A. Khersonsky,

Deputy Assistant Secretary for Strategic Trade.

[FR Doc. 2026-14942 Filed: 7/22/2026 8:45 am; Publication Date: 7/23/2026]