

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice 8698]

RIN 1400-AD49

Amendment to the International Traffic in Arms Regulations: Changes to Authorized Officials and the UK Defense Trade Treaty Exemption; Correction of Errors in Lebanon Policy and Violations; and Adoption of Recent Amendments as Final; Correction

AGENCY: Department of State.

ACTION: Final rule, correcting amendment.

SUMMARY: The Department of State is correcting the inadvertent omission of regulatory text in a recent final rule.

DATES: This rule is effective April 17, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 663-2792, or email DDTCResponseTeam@state.gov. ATTN: Correction to 126.17.

SUPPLEMENTARY INFORMATION: On February 11, 2014, the Department amended the International Traffic in Arms Regulations (ITAR) to, among other things, update the text of the licensing exemption created pursuant to the Treaty Between the Government of the United States of America and the Government of the United Kingdom Concerning Defense Trade Cooperation, at ITAR § 126.17, so that it is a clearer representation of treaty requirements and is also consistent with ITAR § 126.16 (the Australia defense trade treaty exemption) (79 FR 8082). As a result of an error in amendatory instruction, ITAR § 126.17(o)(2)(i) through (iv) were removed. This amendment restores those paragraphs. The Department's regulatory analyses with respect to this rule were published at 79 FR 8082, and are hereby incorporated by reference.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

Accordingly, for the reason set forth above, Title 22, Chapter I, Subchapter M, part 126 is corrected by making the following correcting amendment:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108-375; Sec. 7089, Pub. L. 111-117; Pub. L. 111-266; Sections 7045 and 7046, Pub. L. 112-74; E.O. 13637, 78 FR 16129.

■ 2. Section 126.17 is amended by adding paragraphs (o)(2)(i) through (iv), to read as follows:

§ 126.17 Exemption pursuant to the Defense Trade Cooperation Treaty between the United States and the United Kingdom.

* * * * *

(o) * * *

(2) * * *

(i) The information identified in § 130.10 and § 130.11 of this subchapter;

(ii) A statement regarding whether any offset agreement is final to be entered into in connection with the export and a description of any such offset agreement;

(iii) A copy of the signed contract; and

(iv) If the notification is for paragraph (o)(1)(ii) of this section, a statement of what will happen to the weapons in their inventory (for example, whether the current inventory will be sold, reassigned to another service branch, destroyed, etc.).

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Rose E. Gottemoeller,
Under Secretary, Arms Control and International Security, Department of State.

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DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice: 8699]

RIN 1400-AD56

Amendment to the International Traffic in Arms Regulations: Central African Republic

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to provide the defense trade policy regarding the Central African Republic to reflect certain resolutions adopted by the United Nations Security Council.

DATES: This rule is effective April 17, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 663-2792, or email

DDTCResponseTeam@state.gov. ATTN: Regulatory Change, Central African Republic.

SUPPLEMENTARY INFORMATION: On December 5, 2013, the United Nations Security Council (UNSC) adopted resolution 2127, which imposes an arms embargo against the Central African Republic, with certain enumerated exceptions. On January 28, 2014, the UNSC adopted resolution 2134, which extended the embargo, and added the European Union operation to the list of exceptions to the embargo. The Department of State is adding ITAR § 126.1(u) to implement the embargo.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act. Since the Department is of the opinion that this rule is exempt from 5 U.S.C. 553, it is the view of the Department that the provisions of § 553(d) do not apply to this rulemaking. Therefore, this rule is effective upon publication. The Department also finds that, given the national security issues surrounding U.S. policy towards the Central African Republic, notice and public procedure on this rule would be impracticable; for this reason also, this rule is effective upon publication.

Regulatory Flexibility Act

Since the Department is of the opinion that this rule is exempt from the provisions of 5 U.S.C. 553, there is no requirement for an analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

The Department does not believe this rulemaking is a major rule within the definition of 5 U.S.C. 804.