



APPROVE WITH PROVISOS

License Number:
050678471

Date Issued:
11/27/2018

Months Valid:
48

License is hereby granted to the applicant for the commodity described in the attached application to be permanently exported from the United States. This license may be revoked, suspended, or amended by the Secretary of State without prior notice whenever the Secretary deems such action advisable.

The United States Government position on this case consists of this 1 page decision memo and the attached 6 page application. Both must be present for the USG position to be valid.

The POC for this USG action is Donald Beard, 202-663-2810, beardr@state.gov.

PROVISOS:

(U)All U.S. Government owned technical data relating to direct fire ammunition MUST be reviewed and approved by PM MAS (SFAE-AMO-MAS), Picatinny Arsenal, NJ 07806-5000, Attn: Mr. Thomas Brown, 973-724-5272, prior to release.

UNITED STATES OF AMERICA DEPARTMENT OF STATE			
APPLICATION FOR PERMANENT EXPORT OF UNCLASSIFIED DEFENSE ARTICLES, RELATED TECHNICAL DATA, AND DEFENSE SERVICES			
1. Date Prepared	2. DDTC Registration Code	3. Country of Ultimate Destination	4. Probable Port of Exit from U.S.
10/20/2018	M34209	LUXEMBOURG	Reno, NV
<p>5. Applicant</p> <p>Applicant Type: Exporter Battle Born Munitions Inc.</p> <p>Attention: Frederick Hees</p> <p>3255 Kinney Ct. Reno, NV 89511 7758468377 ext.</p>			
<p>6. U.S. Government Personnel (not PM/DDTC) Familiar with Commodity</p>			
<p>7. Applicant Contact for Additional Information</p> <p>Frederick Hees 7758468377 ext.</p>			
<p>8. Description of Transaction</p> <p>A. This application represents ONLY a completely new shipment</p>			
<p>B. This Application has related license #</p> <p> <input type="checkbox"/> was licensed to the country in Block 3 of the first page under license #</p> <p> <input type="checkbox"/> was licensed to other countries under license #</p> <p> <input type="checkbox"/> was returned without action under voided license #</p> <p> <input type="checkbox"/> was denied to the country in Block 3 of the first page under voided license #</p>			
<p>C. This Application is in reference to agreement #</p>			
<p>D. If the commodity is being financed under</p> <p> <input checked="" type="checkbox"/> Not Applicable</p> <p> <input type="checkbox"/> Foreign Military Sale</p> <p> <input type="checkbox"/> Foreign Military Financing</p> <p> <input type="checkbox"/> Grant Aid Program</p>			

E. This application is related to a disclosure filed with Defense Trade Controls Compliance <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
Item	9. Quantity	10. Commodity	11. USML Category	12. \$ Value
1	Quantity: 3 Unit Type: Items	Technical data associated with small arms ammunition for 9x19mm pistol ammunition, 5.56x45mm M855/M856 ammunition, 7.62x51mm M80/M62/M118 ammunition, 12.7x99mm ammunition caliber, inclusive but not limited to technical specification, technical data sheet, quality control and lot acceptance protocol. Defense Article Type: Technical Data	III(e) Is a DSP-83 attached? No	\$300
2	Quantity: 2 Unit Type: Items	Technical data for the commercially produced 5.56mm and 7.62mm bullets by Hornady. Defense Article Type: Technical Data	III(e) Is a DSP-83 attached? No	\$200
13. Total Value				\$500
14. Foreign End-User NATO Supply and Procurement Agency 11 Rue de la Gare L-8325 Capellen Luxembourg LU				
15. Manufacturer of Commodity US Army Lake City Ammunition Plant 25201 MO-78 Independence, MO 64056 US Hornady Manufacturing 3625 West Old Potash Hwy Grand Island, NE 68803 US				
16. Foreign Consignee NATO Supply and Procurement Agency 11 Rue de la Gare L-8325 Capellen Luxembourg LU				
17. Source of Commodity Battle Born Munitions Inc. 3255 Kinney Ct. Reno, NV 89511 US				
18. Foreign Intermediate Consignee NONE				
19. U.S. Seller				

Battle Born Munitions Inc.
 3255 Kinney Ct.
 Reno, NV 89511

20. Specific Purpose

- Off-Shore procurement
- Brokering (22 CFR 129)
- Request for Prior Approval (22 CFR 126.8)
- Other

The data is to be used to satisfy tendering requirement as set forth by NATO supply an procurement agency (NSPA).

21. U.S. Consignor/Freight Forwarder

Battle Born Munitions Inc.
 3255 Kinney Ct.
 Reno, NV 89511

22. Applicant's Statement

I, Amer Smailbegovic, an empowered official (22 CFR 120.25) or an official of a foreign government entity in the U.S., hereby apply for a license to complete the transaction described above; warrant the truth of all statements made herein; and acknowledge, understand and will comply with the provisions of 22 CFR 120-130, and any conditions and limitations imposed.

I am authorized by the applicant to certify the following in compliance with 22 CFR 126.13:

- (1) Neither the applicant, its chief executive officer, president, vice presidents, other senior officers or officials (e.g., comptroller, treasurer, general counsel) nor any member of its board of directors is:
 - (a) the subject of an indictment for or has been convicted of violating any of the U.S. criminal statutes enumerated in 22 CFR 120.27 since the effective date of the Arms Export Control Act, Public Law 94-329, 90 Stat. 729 (June 30, 1976); or
 - (b) ineligible to contract with, or to receive a license or other approval to import defense articles or defense services from, or to receive an export license or other approval from any agency of the U.S. Government;
- (2) To the best of the applicant's knowledge, no party to the export as defined in 22 CFR 126.7(e) has been convicted of violating any of the U.S. criminal statutes enumerated in 22 CFR 120.27 since the effective date of the Arms Export Control Act, Public Law 94-329, 90 Stat. 729 (June 30, 1976); or is ineligible to contract with, or to receive a license or other approval to import defense articles or defense services from, or to receive an export license or other approval from any agency of the U.S. Government; and

22 CFR 126.13 Certification

- a. I am authorized by the applicant to certify that the applicant and all the parties to the transaction can meet in full the conditions of 22 CFR 126.13 as listed above.
- b. I am authorized by the applicant to certify to 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. A request for an exception to policy, as described in 22 CFR 127.11 of the ITAR, is attached.
- c. I am authorized by the applicant to certify to 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. However that party has met the conditions imposed by the Directorate of Defense Trade Controls in order to resume standard submission of applications, not requiring an exception to policy as described in 22 CFR 127.11 of the ITAR.
- d. I am not authorized by the applicant to certify the conditions of 22 CFR 126.13. The applicant and all the parties to the transaction can meet in full the conditions of 22 CFR 126.13 as listed above. Please see the attached letter from an official that is authorized by the applicant to certify to the conditions of 22 CFR 126.13.
- e. I am not authorized by the applicant to certify the conditions of 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. A request for an exception to policy, as described in 22 CFR 127.11 of the ITAR, and a letter from an official that is authorized by the applicant to certify to the conditions of 22 CFR 126.13 are attached.
- f. I am not authorized by the applicant to certify to 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. However that party has met the conditions imposed by the Directorate of Defense Trade Controls in order to resume standard submission of applications, not requiring an exception to policy as described in 22 CFR 127.11 of the ITAR. Please see the attached letter from an official that is authorized by the applicant to certify to the conditions of 22 CFR 126.13.

Compliance with 22 CFR 130

- This transaction does not meet the requirements of 22 CFR 130.2.
- This transaction meets the requirements of 22 CFR 130.2. The applicant or its vendors have not paid, nor offered, nor agreed to pay, in respect of any sale for which a license or approval is requested, political contributions, fees or commissions in amounts as specified in 22 CFR 130.9(a).
- The applicant or its vendors have paid, or offered, or agreed to pay, in respect of any sale for which a license or approval is requested, political contributions, fees or commissions in amounts as specified in 22 CFR 130.9(a). Information required under 22 CFR 130.10 is attached.
- I am not authorized by the applicant to certify the conditions of 22 CFR 130.9(a). Please see the attached letter for such certification.

CONDITIONS OF ISSUANCE

1. This license is issued under the conditions cited in 22 CFR 120-130, including the conditions and limitations as applicable, that:
 - A. It shall not be construed as implying U.S. Government approval or commitment to authorize future exports of any defense article (hardware or technical data) on the U.S. Munitions List (USML), or a U.S. Government commitment with regard to any proposed manufacturing license, technical assistance or

