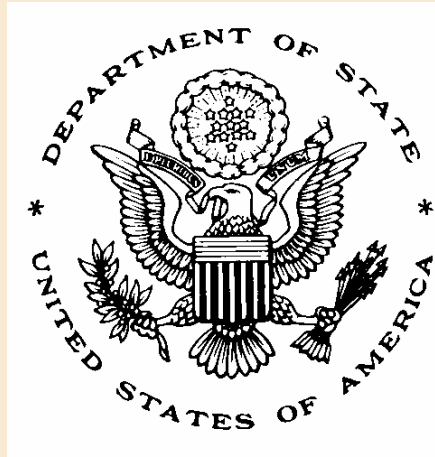


Department of State  
Bureau of Political Military Affairs



Candace Goforth  
Office of Defense Trade Controls  
Licensing



# Licensing & Compliance Responsibilities

All exports are controlled by the U.S.

Government:

- State
- Commerce
- Homeland Security (Customs)
- Justice (ATF)
- Department of Defense
  - DTSA, Armed Services, DSS



# Office of Defense Trade Controls Licensing (DTCL)

- Review and adjudicate export applications for the permanent and temporary export, and temporary import of defense articles, technical data and defense services.
  - The permanent import of defense articles is under the jurisdiction of the Bureau of Alcohol, Tobacco and Firearms.
- Provide guidance and information to the licensing community:
  - Instruction in completing applications
  - Supporting documentation



# Export Authorizations

- There are three (3) types of authorizations:
  - License
  - Approval letter
  - Exemption
- Focus on the review process of an export license



# Types of Export Licenses

- DSP-5 • Permanent Export
- DSP-61 • Temporary Import
- DSP-73 • Temporary Export
- DSP-85 • Classified Exports/Imports



# Duration of Export License

- Licenses are valid for four years
- A license expires whenever:
  - Total value authorized has been shipped; or
  - Total quantity authorized has been shipped; or
  - Date of expiration is reached
- Unshipped balances can be requested on a new license



# DSP-5 Permanent Export

- Unclassified permanent export of defense articles to one ultimate foreign end-user
- Unclassified export of technical data to one or more ultimate foreign end-users

All exports of technical data  
are permanent!!!



# DSP-5

DSP-5—

**SAMPLE - DO NOT USE  
FOR SUBMITTAL TO DTC**

(U.S. DEPARTMENT OF STATE USE ONLY)

SEAL

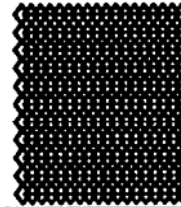
SAMPLE

Signature

License is hereby granted to the applicant for the described commodity 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.

COPY

LICENSE NO.



LICENSE VALID FOR  
MONTHS FROM ABOVE DATE



UNITED STATES OF AMERICA DEPARTMENT OF STATE

## APPLICATION/LICENSE FOR PERMANENT EXPORT OF UNCLASSIFIED DEFENSE ARTICLES AND RELATED UNCLASSIFIED TECHNICAL DATA

1. Date Prepared	2. PM/DTC Applicant/Registrant Code	3. Country of Ultimate Destination	4. Probable Port of Exit from U.S.
------------------	-------------------------------------	------------------------------------	------------------------------------

5. Applicant's Name, Address, ZIP Code, Tel. No. Applicant is: <input type="checkbox"/> Government <input type="checkbox"/> Manufacturer <input type="checkbox"/> Exporter/agent forwarder	6. Names, agency and telephone numbers of U.S. Government personnel (not PM/DTC) familiar with the commodity <input type="checkbox"/> Army <input type="checkbox"/> Air Force <input type="checkbox"/> Navy <input type="checkbox"/> Other
	7. Name and telephone number of applicant contact if U.S. Government needs additional information.

TELEPHONE NUMBER:

8. Description of Transaction

a. This application represents:  ONLY completely new shipment;  ONLY the unshipped balance of license no. \_\_\_\_\_

b. The IDENTICAL commodity  was licensed to the country in block 3 under license no. \_\_\_\_\_;  was licensed to other countries under license no. \_\_\_\_\_;  was returned without action under voided license no. \_\_\_\_\_;  was denied to the country in block 3 under voided license no. \_\_\_\_\_;  was never licensed for this applicant.


c. If commodity is being financed under  Foreign Military Sale (FMS);  Foreign Military Financing (FMF) or;  Grant Aid Program (GAP), give the case number: \_\_\_\_\_

9. QUANTITY	10. COMMODITY <input type="checkbox"/> Hardware <input type="checkbox"/> Technical Data	11. USML CAT.	12. VALUE
			13. TOTAL VALUE: \$

14. Name and address of foreign end-user

15.  Source or  Manufacturer of Commodity

# DSP-5

		13. TOTAL VALUE: \$	
14. Name and address of foreign end-user		15. <input type="checkbox"/> Source or <input type="checkbox"/> Manufacturer of Commodity	
16. Name and address of foreign consignee		17. Name and address of seller in United States	
18. Name and address of foreign intermediate consignee		19. Name and address of consignor and/or freight forwarder in United States	
20. Specific purpose for which the material is required, including specific program/end item		21. APPLICANT'S STATEMENT (See instructions) I, _____, hereby apply for a license to complete <i>(Typed name)</i> the transaction described above; warrant the truth of all statements made herein; and acknowledge, understand and will comply with the provisions of Title 22 CFR 120 - 130, and any conditions and limitations imposed. <b>CHECK ALL THAT APPLY:</b> <input type="checkbox"/> I am a responsible official empowered by the applicant to certify that the conditions of 22 CFR 126.13 and 22 CFR 130 as listed on the reverse of this form have been met in full. <input type="checkbox"/> The applicant, or another party to this export cannot meet one or more of the conditions in 22 CFR 126.13. A request for an exception to policy is attached. <input type="checkbox"/> U.S. consignor(s) and/or freight forwarder list(s) is/are attached. <input type="checkbox"/> I am not empowered by the applicant to certify that the conditions of 22 CFR 126.13 and 22 CFR 130 as listed on the reverse of this form have been met in full. Please see the attached letter for such certification.  Signature <u>SAMPLE COPY</u>	
22. LICENSE TO BE SENT TO: Name, address, ZIP code 			

FORM 10-93 DSP-5

**1 - APPLICATION/LICENSE**  
**UNLESS OTHERWISE EXEMPT IN THE ITR, APPROVED LICENSE MUST BE PRESENTED TO U.S. CUSTOMS OR POST OFFICE PRIOR TO EXPORT/MAILING**

OMB APPROVAL NO. 1405-0003  
EXPIRATION DATE: 12-31-95  
\*ESTIMATED BURDEN: 1/2 HOUR

\*Public reporting burden for this collection of information is estimated to average 1/2 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: Department of State (DS/RA/OP), Washington, D.C. 20520-0264, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (1405-0003), Washington, D.C. 20503.

# Required Documentation

- Certifications:
  - Empowered official letter stating that the applicant is an eligible exporter and has not violated any U.S. Government export laws
  - Statement regarding fees and commissions on application valued at \$500,000 or more
- Purchase order, letter of intent (must represent the same information as in the purchase order), or contract, including end-user and end-use.



# Required Information

- Purchase order, letter of intent (must represent the same information as in the purchase order), or contract must include the following:
  - Ultimate end-user
  - Ultimate end-use
  - Commodity
  - Value
  - Quantity



# Required Information

- Applications for the export of technical data must include a copy of all technical data to be transferred
- Technical data export licenses are generally used for:
  - Marketing
  - Preparing bids/proposals
  - Maintenance manuals



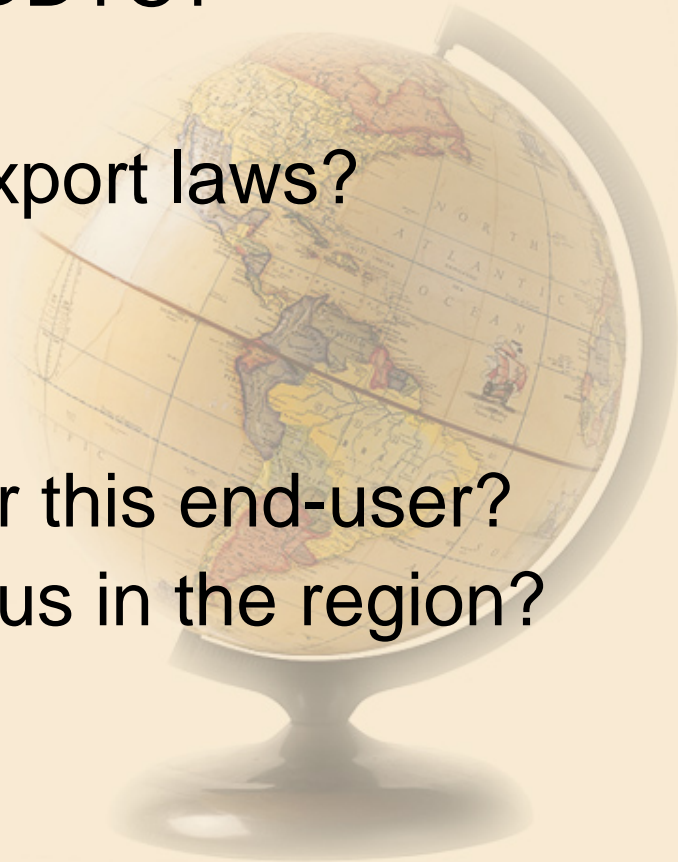
# What do we review?

1. Eligibility of Applicant
2. End Use and End User
3. National Security
4. Foreign Policy
  1. Regional Stability
  2. Human Rights
  3. Multilateral Control Regimes
5. Commodity/Quantity
6. Blue Lantern Check
7. Multilateral regimes



# What do we review?

- Eligibility of Applicant
  1. Are they registered with DDTTC?
  2. Are they disbarred?
  3. Have they violated any export laws?
- End Use and End User
  1. Is this a new capability for this end-user?
  2. What is the end-user status in the region?



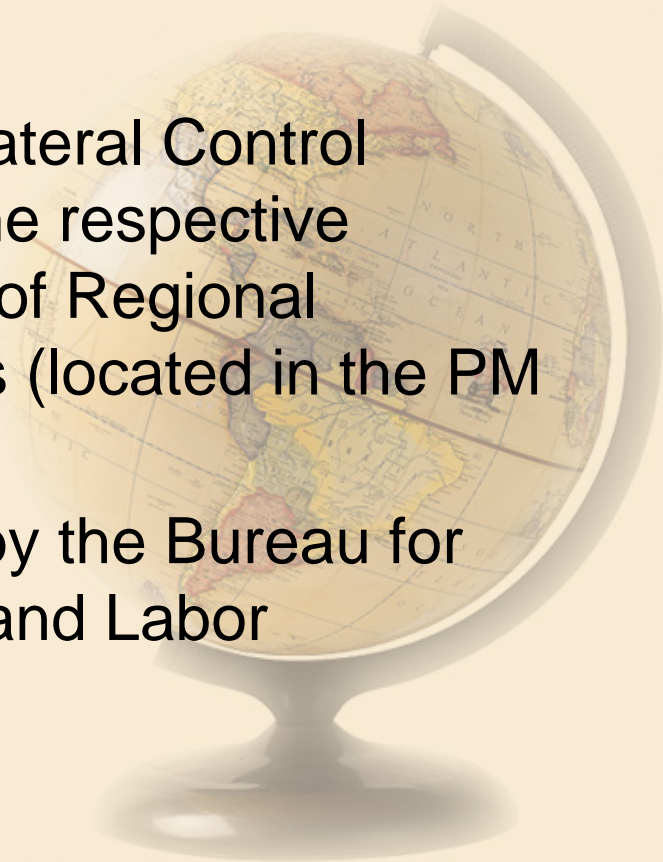
# What do we review?

- Commodity/Quantity
  1. Is the commodity a part of the end item?
  2. What else is the commodity used for?
  3. Is the end item in their inventory?
  4. Do other countries in the region have the same equipment?
  5. Is the quantity reasonable?



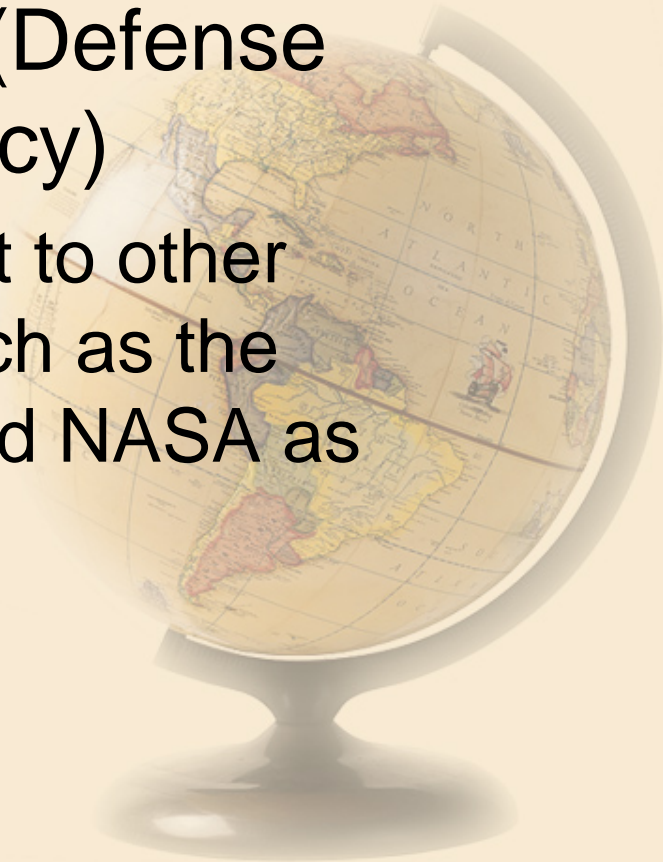
# Intra-agency Review Process

- Foreign Policy - Applications are reviewed for foreign policy by other offices in the Department of State:
  - Regional Stability and Multilateral Control Regimes are assessed by the respective country desk and the Office of Regional Security and Arms Transfers (located in the PM Bureau)
  - Human Rights is assessed by the Bureau for Human Rights, Democracy and Labor



# Interagency Review Process

- Applications are reviewed for national security and technical content by the Department of Defense (Defense Technical Security Agency)
  - Applications are also sent to other government agencies such as the Department of Energy and NASA as appropriate.



# Blue Lantern Program

- Mandated by the Arms Export Control Act (AECA) and is dependent on Embassy support and commitment
- Requested by the Licensing Officer
- Key program in assuring that our exports do not end up in the Grey Market
- Pre- or post-check of end-users or intermediaries
- About 400 checks last year – approx 70 negative



# Referral Process

