

May 2008

FOREIGN MILITARY SALE SHIPMENTS

DSP-94 Form Guidance

The Defense Security Cooperation Agency Issued a Policy Memo #04-34 on August 20, 2004 which requires the issuance of a DSP 94 Form. You can find a copy of this Policy Memo #04-34 at the following website: <http://guidebook.dcms.mil/61/dc05-092atch.pdf>

The **DSP94 Form, entitled "Authority to Export Defense Articles Sold Under the Foreign Military Sales Program"** was established to be used for the authority to export defense articles sold under the "Foreign Military Sales Program". The form is used as an official record of commercial transactions in the title transfer of defense articles, government to government, in accordance with the Arms Export Control Act and the International Traffic in Arms Regulation. The export authority is valid for 2 years from the date shown in item 12 of the DSP 94 Form.

FMS SHIPMENTS MUST BE "LICENSED:

- Letter of Offer & Acceptance (LOA) acts as export "license".
- DSP-94 serves as "export authority" per ITAR 126.6

<http://www.fas.org/spp/starwars/offdocs/itar/p126.htm#P126.6>

The official version of the ITAR can be found in Subchapter M, Title 22, Code of Federal Regulations, Parts 120 through 130 (22CFR 120-130). The official site is as follows:

http://pmdtc.state.gov/docs/itar/2007/itar_part_126.doc

See 126.6 "Foreign-owned military aircraft and naval vessels, and the Foreign Military Sales Program" #(c) (6) (ii).

- All outbound FMS material must be moved against a valid DSP-94 on file with US Customs. This applies to both commercial and DTS shipments.

THE U.S. GOVERNMENT WILL: (SAMM C7.T3)

- Validate export value on DSP-94 (SAMM C7.T8)
- Pack, crate, and HAZMAT certify material for overseas shipment
- Initiate shipments to freight forwarders or arrange DTS transportation (SAMM C7.7 and C7.12)
- Maintain proof of shipment (SAMM C6.2.1)
- Assist purchaser processing of claims (SAMM 7.6.6.2 and 7.19)
- Provide technical assistance and guidance to country representative/freight forwarders through military departments liaison activities

AUTOMATED EXPORT SYSTEM (AES)

- Complete copy of the LOA must be lodged at primary port of exit
- DSP 94 also lodged at primary port of exit

- Shipper's Export Declaration is filed electronically via Automated Export System (AES), but AES can not be used until DSP-94 is lodged

DoD 5105.38-M -- "Security Assistance Management Manual"

Chapter 7, #C7.20 -- Shipment Documentation Requirements

Guidance can be found in the Security Assistance Management Manual, Chapter 7, "Transportation".

Website: <http://www.dsca.osd.mil/samm/Chapter%2007%20-%20Transportation.pdf>

Chapter 7 #7.20 Tables C7.T8 Provides 4 Scenarios for preparing export documentation for FMS shipments.

Scenario 1. Export Documentation Requirements when the transportation method is the Defense Transportation System (DTS) for all shipments under the LOA using **USG-owned (organic) assets** only

Scenario 2. Export Documentation Requirements when the transportation method is the Defense Transportation System (DTS) for all shipments under the LOA using **commercial resources** only.

Scenario 3. Export Documentation Requirements when the transportation method is the **Freight Forwarder**

Scenario 4. Export Documentation Requirements when multiple shipment methods are used: the Defense Transportation System (DTS) for **some** shipments under the LOA using **USG-owned (organic)** resources; the DTS for **some** shipments under the LOA using **commercial resources**; and a **Freight Forwarder** for **some** shipments.

- Table C7.T9 gives preparation instructions on how to complete the DSP-94 per block.

As of April 1, 2005, the responsibility of the DSP94 Form is that of the Security Assistance Centers for each service as well as the Letter of Offer and Acceptance Agreement (LOA). DCMA **is not** responsible for the DSP94 or LOA.

The individuals for each service responsible for completion of the DSP94s are as follows:

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Attached is a DSP94 Form as well as the Instructions on how to fill the form out. Routinely DSP94s are completed when the FMS Case is officially implemented in all systems for that service.



DSP 94.pdf