

DSP-73 and DSP-61 License Applications – Supporting Documentation Requirements

The following guidance was effective April 15, 2008, any submission not meeting these requirements is subject to Return Without Action

In order to facilitate review of DSP-73 and DSP-61 license applications and to ensure compliance with the AECA and ITAR, DDTC is implementing new guidance for the supporting documentation requirements for these license types. DDTC will not accept stand-alone license applications for DSP-73 and DSP-61. These license applications must include documentation supporting the requested transaction. The new requirements are identified below.

For transactions "in furtherance" of an agreement, all DSP-73 and DSP-61 license applications must satisfy the additional requirements identified in Section 9.4 of the "Guidelines for Preparing Agreements."

DSP-73 – Temporary Export License Applications

Transmittal Letter: All DSP-73 license applications must be supported by a transmittal letter from the applicant explaining the need for the temporary export and describing the role of each party to the license. This letter must be included even if all information is included in the body of the license application.

A DSP-73 application can combine demonstration to identified end-users and public trade shows. However the application must be limited to one geographic region and the parties listed on the license can only be located in that geographic region (e.g. Europe, Middle East or South America). License applications must be tailored to the requested transaction. Any deviation must be explained in the transmittal letter. If demonstration/marketing to identified end-users will exceed public domain information and release technical data a separate DSP-5 authorization must be obtained as technical data cannot be exported under a DSP-73.

Replacement/Renewal License Applications: The transmittal letter must explain the need for the continued export activity. The license application submission must be accompanied by a complete copy of the precedent license. The transmittal letter must identify the current disposition of the subject defense articles. The renewal license application must be received 60 days prior to expiration to ensure sufficient time for review by DDTC.

DSP-61 – Temporary Import License Applications

Return to Country of Origin (22 CFR 123.3(a)(1)):

For overhaul/repair and modification/upgrade transactions, the application must be supported by a request from the foreign owner of the defense articles for the requested transaction. In addition, the license application must be accompanied by a transmittal letter explaining why the temporary import does not meet the relevant exemption in 22 CFR 123.4(a) and as necessary, explaining fully the modification/upgrade to be performed.

For transactions relating to the temporary import of foreign-manufactured defense articles for trade shows and demonstration, the license application must be supported by documentation from the U.S. entity responsible for the defense articles while in the U.S. and/or trade show registration documentation from the foreign party. For transactions relating to demonstration, the license application must also be supported by documentation from the U.S. party requesting the demonstration.

For transactions relating to military exercises at U.S. bases/ranges, the license application must be supported by documentation from the foreign government identifying the participation of the foreign country in the exercise. The license application must clearly identify the defense articles to be imported and must specifically identify the name of the military exercise. These application types should be submitted by a foreign embassy on behalf of their military. Any exception must be explained in a transmittal letter describing the circumstances.

Transit to a Third Country/Transshipment Requests (22 CFR 123.3(a)(2))

For transshipment licenses involving non-U.S. origin defense articles, the documentation must represent the transaction between the two foreign entities (e.g. purchase documentation should not be directed to the U.S. applicant) (Blocks 16 and 24) and must include the same information that a DSP-5 requires. The license applicant and the U.S. entity identified in Block 21 should only be acting as a freight forwarder. If not, the role of the U.S. parties must be explained in a transmittal letter.

For licenses involving the transshipment of U.S. origin defense articles, the application must be supported by an approved General Correspondence (GC) letter for retransfer of the defense articles to the new end-user pursuant to 22 CFR 123.9. A copy of the GC approval letter and the DSP-83, if applicable, must be submitted with the license application.

Replacement/Renewal License Applications: The transmittal letter must explain the need for the continued activity. The application submission must be accompanied by a complete copy of the precedent license. The transmittal letter must identify the current disposition of the subject defense articles. The renewal license application must be received 60 days prior to expiration to ensure sufficient time for review by DDTC.