

## **Guidance for Exports to Afghanistan**

It is the policy of the Department of State to expedite requests for exports directly supporting our coalition efforts in Afghanistan. To ensure these priority efforts are supported, the Department will ensure only requests directly related to coalition operations are afforded this expedited review. To be eligible for this expedited handling, the following criteria must be met and the requests must be for:

- Defense articles and services to forces or organizations deployed in Afghanistan, or;
- Defense articles and services to forces or organizations within 90 days of a scheduled deployment.

License applications submitted requesting expedited handling but not in fact meeting these criteria will be returned without action and the applicant will be instructed to resubmit as a routine license.

### **Application Submission**

Applications meeting the criteria stated above in support of Operation Enduring Freedom must be clearly marked so as not to delay processing. The Transaction ID should begin with the letters "OEF," as applicable. These requests will be expeditiously routed to the appropriate licensing division/licensing officer. All requests must note OEF in the first line of purpose block (Block 20 for the DSP-5; Block 23 for the DSP-73 and DSP-61).

**Note:** Requests using the OEF transaction identifier in instances where the request is found not to meet the criteria stated above will be returned without action. The applicant will be instructed to resubmit the case with an appropriate Transaction ID.

### **Supporting Documentation**

The following documentation must be included in the requests:

- A transmittal letter fully explaining the transaction.
- A complete copy of the contract or purchase order applicable to the proposed export.
- An end use and end user statement from the foreign purchaser.
- For licenses in support of U.S. government contracts, a letter from the appropriate service or agency identifying the specific export to be an urgent requirement in support of coalition operations.
- For exports to coalition partners, a letter from the partner government confirming the transaction and that it is in support of coalition operations.
- A copy of product specifications/descriptive literature clearly detailing the commodities requested for export.
- DSP-83s are required for all exports of significant military equipment regardless of country of ultimate destination. This requirement includes the government of Afghanistan.

### **Re-export Requests Under General Correspondence**

Requests to re-export USML controlled defense articles under ITAR §123.9 to coalition partners in Afghanistan will be considered for expeditious handling. To qualify for this consideration, the request must clearly demonstrate that the re-export is for defense articles for:

- U.S. and/or coalition forces or supporting contractors currently deployed in Afghanistan or;
- Forces scheduled to deploy to Afghanistan within 90 days.

Supporting documentation must include the following:

- The letter must fully explain the transaction and identify the original license number under which the defense articles were exported.
- A copy of the purchase order or contract (or other evidence confirming the re-export) from the new ultimate end user.
- End use statement from the ultimate end user identifying the transfer as an urgent OEF requirement.
- A copy of product specifications/descriptive literature clearly detailing the commodities requested for export.
- A DSP-83 if the transfer includes SME.

- Certification, as required under ITAR §126.13, if the applicant is a U.S. person. Requests from foreign entities **do not** require §126.13 certification.
- Certification as required under 22 CFR §130

**Export of Fully Automatic Weapons to Private Entities**

DDTC has a longstanding policy of not authorizing fully-automatic weapons to private entities, but has made an exception with regard to the activities of private security companies in Afghanistan. The preference is for these weapons to be exported temporarily on DSP-73s, although DSP-5s will be considered only when the security company is, itself, a foreign person as defined in ITAR §121.16. For fully-automatic firearms proposed for export to a non-Afghanistan Government (private) end-user in Afghanistan, DDTC requires:

- Justification for the number of weapons being requested, with particular attention to follow-on licenses requesting additional quantities;
- End-user assurances using the example provided below;
- A letter from the government or international organization responsible for the contract, stating it will send an inventory report of the fully-automatic weapons to DDTC within five days of the weapons arrival in Afghanistan, and account for the ultimate disposition of the weapons upon completion of the mission/termination of the contract. When a DSP-5 is used, the license must be accompanied by a DSP-83 executed by the parent government of the foreign person.

Supporting documentation for the export of USML Category I, Firearms, must include those items listed above, and all serial numbers must be listed in Block 20 of the application if available or must be provided to DDTC prior to export.