

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

The following guidance was effective May 12, 2010, any submission not meeting these requirements is subject to Return Without Action. **This guidance was updated effective June 23, 2011. Revisions are bolded below.**

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 15.1 of the “Guidelines for Preparing Agreements”.

DSP-73 – Temporary Export License Applications

A DSP-73 license application must clearly identify the need for the temporary export and describe the role of each party to the transaction. This information can be provided in Block 23 or in a separate letter of explanation. Technical data and/or product brochures must be provided on the requested defense articles.

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.

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, 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 identifying the U.S. or foreign 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 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 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 letter of explanation 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 to the transaction (e.g. purchase documentation should not be directed to the U.S. applicant) 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. The applicant must be identified in Block 21 and their role described. Identification in Block 8 does not explain the applicant's role in the transaction.

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.

DSP-73/DSP-61 Replacement/Renewal License Applications

The license application must specifically identify the need for the continued activity and the current disposition of the subject defense articles. This information can be provided in Block 23 or in a separate letter of explanation. The application submission must be accompanied by a complete copy of the precedent license. The renewal license application must be received 60 days prior to expiration to ensure sufficient time for review by DDTC.

Decrementation of DSP-61 Licenses

While a DSP-61 is authorized for single entry/exit, this entry/exit is authorized per line item identified on the license. If the initial entry/exit is for only a portion of the license, the license does not expire and will remain valid for the remaining line items/quantities. At no time may the quantity or scope be exceeded.