

Table of Contents

PREFACE _____ **ix**

Section 1 Overview _____ **1**

1.1 Introduction1
1.2 Government Organizations Controlling Export2
1.3 Introduction to the ITAR5
1.4 Nonproliferation Policies6
1.5 Wassenaar Arrangement (WA)8
1.6 Enhanced Proliferation Control Initiative8
1.7 Prohibited Countries8
1.8 Countries Neither Prohibited Nor Treated Favorably 12
1.9 Countries Treated Favorably Other Than Canada, United Kingdom, and
Australia 12
1.10 Canada 12
1.11 United Kingdom 13
1.12 Australia 13
1.13 Export Control Reform Initiative 13
ATTACHMENT 1-1: Principal U.S. Government Defense Trade Control Agencies 19
ATTACHMENT 1-2: WA, MTCR, AG, and NSG Countries 31
ATTACHMENT 1-3: NATO and DOS-Prohibited Countries 33
ATTACHMENT 1-4: OPEC, GCC, OAS, and ASEAN Countries 35
ATTACHMENT 1-5: WTO and G-20 Countries 37
ATTACHMENT 1-6: EU, EFTA, WEU, and OECD Countries 39
ATTACHMENT 1-7: DOC Countries of NP, CB, or MT Concern and Arms Embargoed 41
ATTACHMENT 1-8: [RESERVED] 43
ATTACHMENT 1-9: Definitions 45
ATTACHMENT 1-10: Acronyms 95

Section 2 Registration _____ **1**

2.1 Introduction1
2.2 Registration Requirements1
2.3 Preparation of Registration Application2
2.4 Annual Registration Fees2
ATTACHMENT 2-1: DS-2032—Helpful Hints in Preparation3
ATTACHMENT 2-2: DS-2032—Official Instruction5
ATTACHMENT 2-3: DS-2032 Blank Form7
ATTACHMENT 2-4: Required Letter Allowing Registration to Expire and Official Instructions. 11

Section 3 Technical Data _____ **1**

3.1 Purpose1
3.2 Definition1
3.3 Methods of Transfer2
3.4 Criteria for Self-Determination2
3.5 Additional Guidance5
3.6 Special Technical Data Concerns5
3.7 Visits of Foreign Persons6
3.8 Hiring of Foreign Persons7

3.9 Trade Shows and Conferences9
 ATTACHMENT 3-1: Directorate For Freedom of Information and Security Review
 (DFOISR) Review Procedures 11
 ATTACHMENT 3-2: DD Form 1910-Instruction Sheet from Official Form 13
 ATTACHMENT 3-3: DD Form 1910-Clearance Request for Public Release of Department
 of Defense Information 15
 ATTACHMENT 3-4: Sample Technology Control Plan 17
 ATTACHMENT 3-5: DDTC Notice on Licensing of Foreign National Employment in the
 United States..... 21

Section 4 Licensing Process and Procedures _____ 1

4.1 Introduction2
 4.2 License Requirements2
 4.3 Exemptions2
 4.4 Electronic Submission Procedures3
 4.5 Empowered Officials6
 4.6 Criminal Convictions and Contract or License Ineligibility.....6
 4.7 Interagency Review Process7
 4.8 DOD Day-In-Court Procedures8
 4.9 State Appeal Review Process8
 4.10 General.....9
 4.11 Multiple Country Licenses9
 4.12 Multiple Commodity Licenses10
 4.13 Documentation10
 4.14 Unshipped Balance Licenses12
 4.15 Conversion from Temporary to Permanent Export13
 4.16 License Amendment Procedures14
 4.17 Lost License Procedures14
 4.18 Classified Transactions15
 4.19 DS-2032—Statement of Registration17
 4.20 DSP-61—Import Certificate17
 4.21 DSP-83—Non-transfer and Use Certificate17
 4.22 DSP-94—Export of Foreign Military Sales Articles17
 4.23 DS-4076—Commodity Jurisdiction Request.....18
 4.24 General.....19
 4.25 Advisory Opinions20
 4.26 Re-transfer Authorizations.....20
 ATTACHMENT 4-1: Prohibited Countries¹23
 ATTACHMENT 4-2: Exemptions Applicable to all Except Prohibited Countries.....25
 ATTACHMENT 4-3: Countries Eligible for Exemptions to NATO and Other Allied Countries..27
 ATTACHMENT 4-4: Exemptions to NATO and Other Allied Countries.....29
 ATTACHMENT 4-5: Exclusions from Exemption Applicable to Canada (For texts of Notes,
 see 22 CFR 126 Supplement No. 1)31
 ATTACHMENT 4-6: Exclusions from Exemption Applicable to United Kingdom (For texts
 of Notes, see 22 CFR 126 Supplement No. 1)33
 ATTACHMENT 4-7: Exclusions from Exemption Applicable to Australia (For texts of
 Notes, see 22 CFR 126 Supplement No. 1)37
 ATTACHMENT 4-8: Terms, Conditions, and Procedures for Exemption41
 ATTACHMENT 4-9: Example of §126.13 Letter73
 ATTACHMENT 4-10: Inter-agency Review Process75

Table of Contents

ATTACHMENT 4-11: Department of Defense "Day-in-Court" Procedures (The following information has been provided by DTSA as guidance to exporters on their "day-in-court" procedures.) 77

ATTACHMENT 4-12: Recommended Country Groupings for Licensing Purposes 79

ATTACHMENT 4-13: Sources of Suspension, Sanction, and Debarment Lists 81

ATTACHMENT 4-14: License Attachment Matrix..... 83

ATTACHMENT 4-15: Example of Consignor Continuation Sheet 85

ATTACHMENT 4-16: Example of Advisory Opinion Letter 87

Section 5 Forms Preparation _____ 1

5.1 Introduction 2

5.2 License Application Forms 2

5.3 Preparation of Forms 2

ATTACHMENT 5-1: DSP-5 Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data General Preparation Instructions 3

ATTACHMENT 5-2: DSP-5 Department of State Guidelines for Completion 9

ATTACHMENT 5-3: DSP-5-Blank Form 17

ATTACHMENT 5-4: DSP-6 Application for Amendment of a DSP-5 License, Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data Department of State Guidelines for Completion 23

ATTACHMENT 5-5: DSP-6-Blank Form 29

ATTACHMENT 5-6: [Reserved] 37

ATTACHMENT 5-7: [Reserved] 39

ATTACHMENT 5-8: [Reserved] 41

ATTACHMENT 5-9: DSP-61 Application/License for Temporary Import of Unclassified Defense Articles General Preparation Instructions..... 43

ATTACHMENT 5-10: DSP-61 Department of State Guidelines for Completion 47

ATTACHMENT 5-11: DSP-61-Blank Form 53

ATTACHMENT 5-12: DSP-62 Application for Amendment of a DSP-61 License, Temporary Import of Unclassified Defense Articles Department of State Guidelines for Completion..... 59

ATTACHMENT 5-13: DSP-62-Blank Form 67

ATTACHMENT 5-14: DSP-73 Application/License for Temporary Export of Unclassified Defense Articles General Preparation Instructions..... 77

ATTACHMENT 5-15: DSP-73 Department of State Guidelines for Completion 81

ATTACHMENT 5-16: DSP-73-Blank Form 89

ATTACHMENT 5-17: DSP-74 Application for Amendment of a DSP-73 License, Temporary Import of Unclassified Defense Articles Department of State Guidelines for Completion..... 95

ATTACHMENT 5-18: DSP-74-Blank Form 101

ATTACHMENT 5-19: DSP-83 Nontransfer and Use Certificate General Preparation Instructions 111

ATTACHMENT 5-20: DSP-83 Instruction Sheet from Official Form..... 113

ATTACHMENT 5-21: DSP-83-Blank Form 115

ATTACHMENT 5-22: DSP-85 Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data General Preparation Instructions..... 117

ATTACHMENT 5-23: DSP-85 Instruction Sheet from Official Form..... 121

ATTACHMENT 5-24: DSP-85-Blank Form 122

ATTACHMENT 5-25: DSP-94 Authority To Export Defense Articles Sold Under the Foreign Military Sales Program General Preparation Instructions 129

ATTACHMENT 5-26: DSP-94 Instruction Sheet from Official Form.....	131
ATTACHMENT 5-27: DSP-94-Blank Form	133
ATTACHMENT 5-28: DS-4076 Commodity Jurisdiction Requests	137
ATTACHMENT 5-29: DS-4076 Commodity Jurisdiction Requests Department of State Guidelines for Completion.....	139
ATTACHMENT 5-30: DS-4076-Blank Form	141

Section 6 Reserved _____ 1

Section 7 Agreements _____ 1

7.1. Contacting DTCL	1
7.2. Agreements Overview	2
7.3. General Guidance for Agreements	6
7.4. Certification Letter (§ 126.13)	18
7.5. Technical Assistance or Manufacturing License Agreements	19
7.6. Amendments to TAA or MLA	27
7.7. Warehouse and Distribution Agreements	33
7.8. Amendments to WDAs	38
7.9. Re-Baseline of Agreements.....	43
7.10. Special Considerations for Arbitration-Related TAAs.....	46
7.11. Special Consideration for Space-Related Insurance TAAs.....	49
7.12. Amendments as a Result of U.S. Person Acquisition, Merger or Registration Code Consolidation- Deleted	51
7.13. Proviso Reconsiderations.....	51
7.14. Agreements Requiring Congressional Notification	52
7.15. Exporting Hardware in Furtherance of Agreements	56
7.16. Actions After Approval	60
7.17. Submitting and Packaging Agreements	62
7.18. DTSA Technical Reviewers.....	65
Attachment 7A-1: Sample Documents	69
Attachment 7A-1: Sample Certification Letter (§126.13) (if not satisfied by Block 22 of the DSP-5 vehicle)	71
Attachment 7A-2: TAAIMLA Transmittal Letter	73
Attachment 7A-3: TAAIMLA	77
Attachment 7A-4: WDA Transmittal Letter.....	81
Attachment 7A-5: WDA.....	83
Attachment 7A-6: TAAIMLA Amendment Transmittal Letter	87
Attachment 7A-7: TAAIMLA Amendment	93
Attachment 7A-8: WDA Amendment Transmittal Letter.....	97
Attachment 7A-9: WDA Amendment.....	101
Attachment 7A-10: Request for Proviso Reconsideration	105
Attachment 7A-11: Non Disclosure Agreement (NDA)	107
Attachment 7A-12: In Furtherance of Letter of Explanation	111
Attachment 7A-13: Technology Control Plan	113
Attachment 7B: Electronic Agreements Flow Chart	117
Attachment 7C: Merger and Acquisition Flow Chart-Reserved	119
Attachment 7D: DSP-5 "Vehicle" Completion Guide	121
Attachment 7D-1: DSP-5 "Vehicle" (New Agreement)	123
Attachment 7D-2: DSP-5 "Vehicle" (Re-Baseline Agreements or Amendments)	125
Attachment 7D-3: DSP-5 "Vehicle" (Proviso Reconsiderations).....	127
Attachment 7D-4: Sample DSP-5 "Vehicle".....	129

Table of Contents

Attachment 7E: Acronyms 139
Attachment 7F: References 141

Section 8 Special License Issues _____ 1

8.1. Reserved.....1
8.2. Congressional Notification1
8.3. Licensing of Brokers2
8.4. DD Form 23453
8.5. Permanent Export of Firearms & Ammunition.....4
8.6. Exemptions4
ATTACHMENT 8-1: DD Form 2345—Instruction Sheet From Official Form.....5
ATTACHMENT 8-2: DD Form 2345-Sample Form.....7
ATTACHMENT 8-3: United States/Canada Joint Certification Office Letter, Addressing
Completion and Processing of DD Form 23459
ATTACHMENT 8-4: DDTTC Guidelines for Completing Applications for the Permanent
Export, Temporary Export, and Temporary Import of Firearms & Ammunition
(U.S. Munitions List Categories I and III)11
ATTACHMENT 8-5: ATF Application for the Permanent Export of Firearms25

Section 9 Exporting Procedures _____ 1

9.1. Introduction1
9.2. Shipping Agents.....2
9.3. AES Record3
9.4. Exceptions to the Use of an AES Record3
9.5. Shipping Procedures4
9.6. Exemptions7
9.7. Carnets.....7
ATTACHMENT 9-1: Definitions of AES Terms (from Foreign Trade Regulations 15 C.F.R.
30.1(c))9
ATTACHMENT 9-2: Instructions for Filling Out an AES Record17

Section 10 Compliance Requirements _____ 1

10.1. Introduction1
10.2. Internal Compliance Regimes.....3
10.3. Internal Audits.....4
10.4. Parties to the Export.....4
10.5. Special Statements and Certifications5
10.6. Proscribed and Restricted Countries.....5
10.7. Registration.....5
10.8. Maintenance and Inspection of Records.....6
10.9. Reporting of Brokering Activities7
10.10. Recordkeeping and Reporting Relating to Agreements7
10.11. Disposition of Used, Unused, and Expired Licenses9
10.12. Political Contributions, Fees, and Commissions Statements9
10.13. Failure to Provide Information or Documentation.....11
10.14. Denial, Revocation, Suspension, or Amendment of Licenses and Other
Approvals.....12
10.15. Violations and Penalties12
10.16. Voluntary Disclosures14
ATTACHMENT 10-1: Sample Internal Audit Checklist15
ATTACHMENT 10-2: Sample Export Control Compliance Annual Certification.....31

ATTACHMENT 10-3: Common Indicators of Potential Illegal Exports From Defense Trade News, Vol. 7, No. 1, May 1996..... 33

ATTACHMENT 10-4: Standards Identifying High-Risk Exports (Federal Register, Vol. 53, No. 186, September 26, 1988, Page 37382)..... 35

ATTACHMENT 10-5: Summary of §120.27 Criminal Statutes..... 37

ATTACHMENT 10-6: Examples of Required Statements and Certifications..... 39

ATTACHMENT10-7: Sample Letter for Return of a License 43

ATTACHMENT10-8: [Reserved] 45

ATTACHMENT10-9: U.S. Company Compliance Program Guidelines for Manual 47

ATTACHMENT 10-10: Sample Internal Control Program (ICP) Handbook 51
 The attached sample ICP Handbook has been adapted from several such documents developed for various U.S. defense companies, and should be adjusted as necessary to fit your particular company's export control needs and the circumstances of your internal export compliance program requirements...51

ATTACHMENT10-11: Sample Part 130 Statement (No Payments Made)..... 85

ATTACHMENT10-12: Sample Part 130 Statement (Payments Made/Partial Reporting)..... 87

ATTACHMENT10-13: Sample Part 130 Statement (Payments Made/Full Reporting)..... 89

ATTACHMENT10-14: Sample Voluntary Disclosure Letter..... 91

Section 11 Defense Imports _____ 1

11.1. Introduction 1

11.2. USMIL..... 1

11.3. License/Permit Requirements..... 1

11.4. Classification of Articles 2

ATTACHMENT 11-1: ATF Forms..... 3

ATTACHMENT 11-2: Application Form and Instructions for Explosive License or Permit 5

ATTACHMENT 11-3: Definitions of Terms, Used in Explosive Applications 11

ATTACHMENT 11-4: Application Form and Instructions to Register as an Importer 13

ATTACHMENT 11-5: Instructions to Obtain Forms for License to Import 15

ATTACHMENT 11-6: Application Form and Instructions for Importation 17

ATTACHMENT 11-7: Federal Firearms Regulations (FFR) (27 CFR 447, 478, 479, 555, 646, and 771) (Current as of May 1, 2020) 21

Appendix A _____ 1