

INSTRUCTIONS FOR DSP-85

A. LICENSE APPLICATIONS MUST INCLUDE THE FOLLOWING, AS REQUIRED

1. **Descriptive Literature:** Five sets.
2. **Precedent Approvals:** Five copies of each precedent license(s) or agreement(s), associated attachments and all proviso letters.
3. **Verification of Purchase:** Five copies of purchase order, letter of intent or other appropriate document from purchaser, which includes end use, end user, quantity and price.
4. **22 CFR 130:** If required, one original and one copy of a Statement on Political Contributions, Fees and Commissions, in accordance with the "Applicant's Statement" section of the application.
5. **Letter of Explanation:** If required, five copies to explain a complicated application.
6. **Empowered Official Letter:** If required, one original and one copy. See C. 24 for additional information.

B. GENERAL INSTRUCTIONS

1. Applications must be typed and copies of information must be collated into sets.
2. All items on the application form MUST be completed fully or an explanation provided. Do not use "Same As" or "Same As Item xx" or "None" or "See Attached". If the block does not apply, such as Block 5 for temporary import transaction, leave blank. Otherwise, the block must be completed.
3. Photocopies of approved licenses may be made for record keeping purposes only, not for making shipments.
4. Hardware applications (defense articles excluding technical data) may reflect only one country of ultimate destination. Defense articles and related data may not be re-exported or transferred to any other country or to a national of any other country without the prior written approval of the U.S. Department of State.
5. Several countries may be listed in block 4 for technical data exports only. However, when the countries of ultimate destination are geographically dispersed, submit a separate application for each major geographical region (e.g., Africa, South Asia, East Asia, Europe, etc.).
6. U.S. Customs and Border Protection authorities may authorize shipments of hardware when the total value of the shipment does not exceed the aggregate value on the license by more than 10%. If the value has increased by more than 10% a new license is required. Quantities may not be amended, and additions should be treated as new orders and result in a new license request.
7. Firearms and firearm ammunition applications must be accompanied by import verification issued by the government of the recipient country, if applicable.
8. Provide the Facility Security Clearance Code (FSC) and safeguarding level of each party that will have access, title, custody or control of the shipment. Foreign governments and U.S. Government facilities are the only parties not required to provide the information. Non-government foreign parties must provide the information as it would appear in their country. The applicant may contact their Defense Security Service (DSS) Cognizant Security Office to obtain the information for each foreign intermediate and ultimate consignee. If a party to this transaction has applied for but not yet received the FSC, enter "Application Pending" in the appropriate space.
9. Blocks 16, 17, 18, 19, and 20 must include the Facility Security Clearance Code, the level of the clearance, and the date of the FSC. For blocks 17 and 19, contact your local Defense Security Service (DSS) office to obtain the required FSC data.
10. All blocks must be completed and detailed attachments provided in accordance with instructions in A. Insufficient information will cause the DSP-85 package to be returned. Putting "See Attached" in the description space instead of entering data in the blocks will cause the DSP-85 package to be returned.

C. SPECIFIC INSTRUCTIONS

- Block 2 Applicant must be currently registered with PM/DDTC. Enter the complete number assigned to applicant at time of registration or renewal. See 22 CFR 122. For registration information contact the DDTC Response Team at DDTCResponseTeam@state.gov.
- Block 4 Enter the country or countries of ultimate destination or temporary sojourn. Must list all countries of ultimate destination, i.e., must match countries listed in Block 17. If application relates to an agreement, the country of ultimate destination should be the country where the foreign licensee/s are located.
- Block 6 Check appropriate block to identify applicant. The first line MUST reflect name under which the applicant is registered. Subsequent lines may identify a specific subsidiary of the parent company. If subsidiary company is listed, list the subsidiary's FSC. FSC Code, Level and Date of Clearance MUST be entered, unless a foreign government.
- Block 7 Check the appropriate block to identify the government agency responsible for the classification of the hardware or technical data. Include the name and telephone number of the program manager or other responsible official at the government agency. Use 'Other' only when referring to Foreign Government Information (FGI).
- Block 8 Identify an individual of the applicant who is familiar with this application. This individual must know the security arrangements associated with the export or import of the classified hardware or technical data.
- Block 9 Check the appropriate block(s) in section a, b, and c. In all cases, include precedent Technical Assistance Agreement and/or Manufacturing License Agreement numbers where appropriate. Attach copies of referenced licenses or agreements and proviso letters in accordance with instructions under A.
- Block 10 Specify quantity of items to be shipped and select from the drop down box the "Unit Type" associated with the commodity. "Lots" can be used only for minor components or parts and technical data but an itemized description must be entered in Block 11 and relevant documentation provided. Each commodity MUST be entered separately by selecting the "Add Item" feature. If four different commodities are listed on the purchase order, four separate blocks must be prepared by the applicant, one for each item on the purchase order.
- Block 11 Enter a brief description of the commodity, then select "Defense Article Type" as applicable. List each commodity, giving type, model number, catalog or part number. May select only one as Defense Article Types cannot be mixed since each commodity requires a separate entry.
- Block 12 Enter Classification of each item of hardware or technical data for the commodity entered in the block as follows: TS for Top Secret, S for Secret, C for Confidential, U for Unclassified, or R for Restricted. Note that Restricted is only used by foreign governments. If foreign government information (FGI) is being exported, the letters "FGI" should be added after the classification and the originating country. FGI country information must also be included, and reflect the same country as the entry in Block 7.
- Block 13 USML Category and Sub Category MUST both be listed. Since the categories reflect the commodity in Block 11, the USML Category must reflect that entry. For example, if IV(i) technical data for IV(a), by selecting the USML and corresponding subcategory, the commodity would be specifically identified as technical data for a specific defense article.
- Block 14 Value for hardware should include the selling price for each line item without supplementary costs such as packaging and freight. Value for technical data may be identified as reproduction and/or processing costs. The price MUST be per individual item and cannot be a combined or lump sum. The automated addition features on the form will add the subtotal and the total.
- Block 16 Check appropriate block and enter the name and address of the source or manufacturer. FSC information MUST be entered for each party. Cannot use "Same As" or "See Attached" – each entity's information must be entered.
- Block 17 The FSC requirement applies only to foreign end user(s) other than foreign governments.
- Block 19 Identify the foreign consignee authorized by the foreign end-user to receive the shipment. If the foreign consignee is the same as the foreign end-user, enter the information in the block.
- Block 20 Enter the complete name and address of U.S. freight forwarder(s) or consignor(s). The date and level of security clearance for each facility MUST be listed. 22 CFR 126.13(b) requires that all parties to the export be identified. If this is for a temporary import, the U.S. party taking control of the commodities must be identified in this block.
- Block 21 Enter the specific purpose and end use or end item for the commodity in Block 11 (e.g., turbine blades for jet engine for (nomenclature) aircraft) and if appropriate, explain the roles of the parties in the transaction.
- Block 22 Provide the name and address of the DSS Security Office responsible for administering the government-to-government transfer at the location where the classified hardware or technical data is packaged for shipment. Foreign governments are not required to complete this block; however, certain situations may require explanation which may be provided on an attachment and if that is the case, the foreign government should enter "See Attached Letter" or similar.
- Block 23 All information must be entered completely. Do not state "Same as Block xx" or other similar statements. The FSC information MUST be completed. "Hold for Pickup" box marked only if the license will be picked up.
- Block 24 Enter the name of the person empowered to sign the application. Check the appropriate statement(s). Read the statements on the "Applicant Statement" and check the appropriate items. Sign the application in ink on the signature line. This signature certifies compliance with the provisions of 22 CFR 126.13 and other requirements of 22 CFR 120-130. In instances where you are empowered to sign the application but are not empowered by the applicant to certify that the conditions of 22 CFR 126.13 and 130 have been met, submit a separate letter(s) from an empowered official in your company who is authorized to provide the certification.

MAILING ADDRESS: PM/DDTC, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, D.C. 20522-0112
 DELIVERY ADDRESS: U.S. Department of State, PM/DDTC, SA-1, 12th Floor, 2401 E Street, NW, Washington D.C. 20037

(U.S. DEPARTMENT OF STATE USE ONLY)

SEAL _____

Signature

License is hereby granted to the applicant for the described commodity to be permanently exported from the U.S., to be temporarily exported from and returned to the U.S., or to be temporarily imported into the U.S. and returned to the foreign owner, provided shipment is made in accordance with the National Industrial Security Program Operating Manual (NISPOM). This license may be revoked, suspended or amended by the Secretary of State without prior notice whenever the Secretary deems such action advisable.

C

LICENSE NO.

LICENSE VALID FOR 48
MONTHS FROM ABOVE DATE

1. Date prepared: (MM/DD/YYYY)

2. PM/DDTC Applicant/Registrant Code:

3. Select one:

☐ Permanent Export

☐ Temporary Export

☐ Temporary Import

Electronic Form Version Number: 3.2

OMB APPROVAL NO. 1405-0022
EXPIRATION DATE: 01/31/2025
* ESTIMATED BURDEN: 30 MINUTES

U.S. DEPARTMENT OF STATE



**APPLICATION/LICENSE FOR PERMANENT/TEMPORARY EXPORT OR TEMPORARY
IMPORT OF CLASSIFIED DEFENSE ARTICLES AND CLASSIFIED TECHNICAL DATA**

* PAPERWORK REDUCTION ACT STATEMENT: Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: Department of State (A/ISS/DIR) Washington, D.C. 20520.

4. Country of ultimate destination or temporary sojourn:

Add Countries: _____

5. Country from which shipped: (temporary imports only)

Add Countries: _____

6. Applicant's name, address, zip code, telephone number:

Applicant is: (select one) ☐ Government ☐ Exporter/Manufacturer ☐ Freight Forwarder

Applicant Name: _____

Attention: _____

Address: _____

City: _____

State: _____ Zip Code: _____

Telephone #: _____ Extension: _____

FSC Code: _____ Level: _____ Date of Clearance: (MM/DD/YYYY) _____

7. Names, agency and telephone numbers of U.S. Government personnel (not PM/DDTC) familiar with the commodity. If Foreign Government Information (FGI) being exported, identify Country in 'Other':

Remove Item #: 1

Name: _____

Agency: _____ If Other (FGI): _____

Telephone #: _____ Extension: _____

8. Name and telephone number of applicant contact if U.S. Government needs additional information:

Remove Item #: 1

Name: _____

Telephone #: _____ Extension: _____

9. Description of Transaction:

a. This application represents:
(select one)

☐ ONLY completely new shipment;

☐ ONLY the unshipped balance of license number: _____

b. The IDENTICAL commodity:
(select all that apply)

☐ was licensed to the country in block 4 under license number: _____

☐ was licensed to other countries under license number: _____

☐ was returned without action under voided license number: _____

☐ was denied to the country in block 4 under voided license number: _____

☐ was never licensed for this applicant.

c. If commodity is being financed

☐ Foreign Military Sale (FMS), give the case number:

under: *(select all that apply)*

☐ Foreign Military Financing (FMF), give the case number:

☐ Grant Aid Program, give the case number:

d. This application is related to a disclosure filed with Defense Trade Controls Compliance Yes☐ No☐ Compliance Disclosure Number:

Remove Item #: 1

10. Quantity:

2

Unit Type:

11. Commodity:

popo

Defense Article Type:

12. Classification Level:

13. USML Category:

Sub Category:

14. Value: Unit Price

1000

Line Item Total:

\$0.00

15. Total Value:

\$0.00

16.

Remove Item #: 1

Select One:

☐ Source or

☐ Manufacturer of Commodity

Name:

Address:

City:

State:

Zip:

Country:

United States

FSC Code:

Level:

Date of Clearance: (MM/DD/YYYY)

17. Name and address of foreign end-user:

Remove Item #: 1

Name:

Address:

City:

Country:

FSC Code:

Level:

Date of Clearance: (MM/DD/YYYY)

18. Name and address of seller in United States:

Remove Item #: 1

Name:

Address:

City:

State:

Zip:

FSC Code:

Level:

Date of Clearance: (MM/DD/YYYY)

19. Name and address of foreign consignee:

Remove Item #: 1

Name:

Address:

City:

Country:

FSC Code:

Level:

Date of Clearance: (MM/DD/YYYY)

20. Name and address of consignor and/or freight forwarder in United States:

Remove Item #: 1

Name:

Address:

City:

State:

Zip:

FSC Code:

Level:

Date of Clearance: (MM/DD/YYYY)

21. Specific Purpose for which the Material is required, including specific program/end item:

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22. Name and address of cognizant DSS security office:

Remove Item #: 1

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

23. Complete address to which license should be mailed:

☐ Hold for Pickup

Name: _____
Address: _____
City: _____ State: _____
Zip: _____ Telephone #: _____ Country: United States
FSC Code: _____ Level: _____ Date of Clearance: (MM/DD/YYYY) _____

APPLICANT'S STATEMENT

(refer to Block 24 instructions)

I _____ an empowered official, (22 CFR 120.67) or an official of a foreign government entity in the U.S., hereby apply for a license to complete the transaction above; warrant the truth of all statements made herein; and acknowledge, understand and will comply with the provisions of 22 CFR 120-130, and any conditions and limitations imposed. I am authorized by the applicant to certify the following in compliance with 22 CFR 126.13:

- (1) Neither the applicant, its chief executive officer, president, vice presidents, other senior officers or officials (e.g., comptroller, treasurer, general counsel) nor any member of its board of directors is:
- (a) the subject of an indictment for, or has been convicted of, violating any of the U.S. criminal status enumerated in 22 CFR 120.6 since the effective date of, the Arms Export Control Act, Public Law 94-329, 90 Stat. 729 (June 30, 1976); or
 - (b) ineligible to contract with, or to receive a license or other approval to import defense articles or defense services from, or to receive an export license or other approval from any agency of the U.S. Government;
- (2) To the best of the applicant's knowledge, no party to the export as defined in 22 CFR 120.68 has been convicted of violating any of the U.S. criminal statutes enumerated in 22 CFR 120.6 since the effective date of the Arms Export Control Act, Public Law 94-329, 90 Stat. 729 (June 30, 1976); or is ineligible to contract with, or to receive a license or other approval to import defense articles or defense services from, or to receive an export license or other approval from any agency of the U.S. Government; and

22 CFR 126.13 Certification (Select one)

- ☐ a. I am authorized by the applicant to certify that the applicant and all the parties to the transaction can meet in full the conditions of 22 CFR 126.13 as listed above.
- ☐ b. I am authorized by the applicant to certify to 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. A request for an exception to policy, as described in 22 CFR 127.11, is attached.
- ☐ c. I am authorized by the applicant to certify to 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. However that party has met the conditions imposed by the Directorate of Defense Trade Controls in order to resume standard submission of applications, not requiring an exception to policy as described in 22 CFR 127.11.
- ☐ d. I am not authorized by the applicant to certify the conditions of 22 CFR 126.13. The applicant and all of the parties to the transaction can meet in full the conditions of 22 CFR 126.13 as listed above. Please see the attached letter from an official that is authorized by the applicant to certify to the conditions of 22 CFR 126.13.
- ☐ e. I am not authorized by the applicant to certify the conditions of 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. A request for an exception to policy, as described in 22 CFR 127.11, and a letter from an official that is authorized by the applicant to certify to the conditions of 22 CFR 126.13 are attached.
- ☐ f. I am not authorized by the applicant to certify the conditions of 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. However the party has met the conditions imposed by the Directorate of Defense Trade Controls in order to resume standard submission of applications, not requiring an exception to policy as described in 22 CFR 127.11. Please see the attached letter from an official that is authorized by the applicant to certify to the conditions of 22 CFR 126.13.

Compliance with 22 CFR 130 Certification (Select one)

- ☐ This transaction does not meet the requirements of 22 CFR 130.2.
- ☐ This transaction meets the requirements of 22 CFR 130.2. The applicant or its vendors **have not** paid, nor offered, nor agreed to pay, in respect of any sale for which a license or approval is requested, political contributions, fees or commissions in amounts as specified in 22 CFR 130.9(a).
- ☐ The applicant or its vendors **have** paid, or offered, or agreed to pay, in respect of any sale for which a license or approval is requested, political contributions, fees or commissions in amounts as specified in 22 CFR 130.9(a). Information required under 22 CFR 130.10 is attached.
- ☐ I am not authorized by the applicant to certify the conditions of 22 CFR 130.9(a). Please see the attached letter for such certification.

Signature: _____

Date: (MM/DD/YYYY) _____

CONDITIONS OF ISSUANCE

1. This license is issued under the conditions cited in 22 CFR 120-130, including the provisos as applicable, that:
- A. It shall not be construed as implying U.S. Government approval or commitment to authorize future exports of any article (equipment or technical data) on the U.S. Munitions List, or any U.S. Government commitment with regarding to any proposed manufacturing license or technical assistance agreements which may result from an authorized export.
 - B. If a license is issued for technical data only, it does not authorize the export of any hardware; if a license is issued for hardware only, it does not authorize the export of any technical data, unless specifically covered by an exemption.
2. The issuance of this license does not release the licensee from complying with other requirements of U.S. law and regulations.
3. The prior written approval of the U.S. Department of State must be obtained before U.S. Munitions List articles exported from the U.S. under license or other approval may be resold, diverted, transferred, transhipped, reshipped, reexported to, or used in any country, or to any end-user, other than that described on the license or other approval as the country of ultimate destination or the ultimate end-user.

RETURN OF LICENSE

This license must be returned to PM/DDTC, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522-0112, when: (1) the total value authorized has been shipped; (2) the applicant states that there will be no further shipments; (3) the date of expiration is reached; or (4) when requested by the Directorate of Defense Trade Controls.

ENDORSEMENT

Indicate below which *ITEM* on the face of the license is *BEING EXPORTED* and maintain a *CONTINUING BALANCE* of the remaining value:

Shipment Date (mm-dd-yyyy)	Quantity	Commodity (including classification)	Shipment Value	SED No.	Initials	Port of Exit/Entry
Total Authorized Value:						
Remaining Balance						

NOTE: Continuation of additional shipments must be authenticated by use of continuation sheets in the *U.S. Customs Handbook*. (In the case of classified shipments, the Defense Security Service (DSS) is the endorsing agency for shipments.)