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## DON Procedures for Sponsoring Exemptions

DON organizations interested in sponsoring exemptions to support contractor activities (including prime contractors, subcontractors, vendors, and support service providers) in support of DON procurements, operations, and international programs must make a formal request in writing to Navy International Programs Office (IPO-01A). Routine certifications require a two-week notification in order to process. Navy IPO should be notified at the earliest possible point for planning purposes.

DON organizations interested in sponsoring an exemption are encouraged to contact Navy IPO's Exemption Certifying Official, Director, Export License Division (703-601-9850) or Deputy Director, Export License Division (703-601-9841) to ensure applicability of the exemption prior to submission of the formal request to Director, Export License Division, Navy IPO 01A.

All such requests must be coordinated with **export compliance personnel** representing the contractor and processed via the appropriate System Command (SYSCOM) Security Office (or equivalent) in order to obtain a disclosure review, and must include the following information:

1. Identification of the exporter of record (the person or company that will claim the exemption). The exporter must be registered with the Directorate, Defense Trade Controls (DDTC) at the State Department – **registration is a key requirement for a company's eligibility to export military articles in accordance with 22 CFR 122.1 of the ITAR**. Contact information for the company's empowered official (name, address, phone, email), together with the DDTC registration code for the exporter of record, must be provided.
2. Identification of the end user of the export. DON **does not** have the authority to certify exemptions when the end user is a non-government entity. Note: use of the 125.4(c) exemption (quote or bid proposal) requires Navy IPO's coordination with Defense Technology Security Administration (DTSA) and the Directorate of Defense Trade Control (DDTC) to ensure a process is in place to evaluate the end-user(s).
3. Identification of the hardware, technical data, and/or defense services to be exported – these must be identified by ITAR category and subcategory. The request should provide a copy of all briefings, documents or information to be disclosed by the company. A detailed description of the subject matter (including the NDP-1 category and highest classification of the information involved) may be forwarded if it is impractical to attach all of the actual briefings, documents, or information. In either case, a statement signed by the appropriate foreign disclosure office that the material is authorized for disclosure will be required

(SYSCOM Security Office endorsement). A completed copy of a DSP-83 – Non-transfer and use assurance – must be provided by the exporter of record for the export of significant military equipment and classified articles including classified technical data, in accordance with 22 CFR 123.10.

4. Reason for the export (e.g., cite Letter of Offer and Acceptance (LOA)) number, Memorandum of Understanding (MOU) title, or contract number that the request supports) and the end use.
5. Urgency of the request (e.g., critical program milestones/decision process) pertinent deadlines, and specific benefits to the U.S.
6. Identify any export license that the exporter may either have and/or recently submitted in relation to the activity addressed in the proposed exemption certification request to include the most current status of the submission if license is undergoing processing by DDTC/DTSA. If possible, provide Navy IPO with a copy.
7. Proposed conditions and limitations to establish a clearly defined scope for defense articles, services and technical data authorized for export and any handling, control or accountability measures deemed necessary. Identify any related Technology Transfer Security Assistance Review Board (TTSARB) Decision Memorandum or Delegation of Disclosure Letters (DDL) if applicable.

Exemptions **WILL NOT** be certified: solely for the benefit of the exporter, when exports require Congressional notification or is controlled by the Missile Technology Control Regime, for offshore procurement/production of defense articles, or for exports to prohibited/embargoed/sanctioned/denied persons, destinations or entities.

All contents/statements presented in the exemption checklist will be evaluated in coordination with contractor personnel responsible for export compliance. Navy IPO 01A acknowledges that compliance with U.S. export control laws is ultimately the responsibility of the exporter of record.

Once processing of the exemption certification is complete, Navy IPO will provide a certification letter authorizing use of an export exemption to both the exporter of record and the DON organization sponsoring the exemption request.