

Job Aid: The DGR Role and Responsibilities

Using This Job Aid



This job aid is a tool to help you, a Defense Counterintelligence and Security Agency (DCSA) Industrial Security Representative (IS Rep) or cleared contractor Facility Security Officer (FSO) or designee, oversee the secure transfer (import/export) of classified materials when you are serving in the role of Designated Government Representative (DGR).

Authorizing Classified Imports

To authorize classified imports, the DGR must ensure all applicable National Industrial Security Program Operating Manual (NISPOM) and International Traffic in Arms Regulations (ITAR) provisions are met by doing the following tasks:

- When receiving classified material ensure you have received an approved plan for the shipment before accepting it
If you did not receive an approved plan, protect the classified material and report an improper transfer to DCSA International
- Ensure all classified imports are opened in your presence
- Immediately notify the DCSA field office of any discrepancies related to receipt of classified material
- Sign the receipt for all imports and return to the originating DGR

Authorizing Classified Exports

To authorize classified exports, the DGR must ensure all applicable NISPOM and ITAR provisions are met by doing the tasks in this list.

- Review the DSP-85, Application for Permanent/ Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data (for direct commercial sales)

DDTC sends the approved DSP-85 to the DCSA field office indicated on the license.

- Review copies of the following documents from the sending facility:
 - DSP-83, Non-Transfer and End Use Certificate – the U.S. Department of State requires that the DSP-83 is completed as a part of an application for authorization to export Significant Military Equipment (SME) and classified equipment or data. It is used to ensure foreign consignees and foreign end-users in defense trade agree not to re-export, resell, or otherwise dispose of significant military exports outside of an approved foreign country without U.S. Department of State approval.
 - Technical Assistance Agreement (TAA) – for the sale of technical services (e.g., maintenance, repair, and training); original is held at the sending facility and copy is sent to the DCSA field office
 - DSP-5, License for Permanent Export – is for the permanent export of unclassified articles or hardware and is the approval document for a TAA
 - Manufacturing License Agreement (MLA) – grants foreign person an authorization to manufacture defense articles abroad which involves or contemplates the export of technical data or defense articles or the performance of a defense service or the use by the foreign person of technical data or defense articles previously exported by the U.S. person; original is held at the sending facility
 - ITAR exemption – may replace need for export license; Empowered Official (EO) at sending facility makes decision to claim the exemption

Empowered Official: a person at a U.S. company who is empowered to sign export authorizations or other international-related documents. The Empowered Official has authority to inquire into any aspect of an export or import, verify the legality of the transaction, and refuse to sign any application or other request without prejudice or other adverse recourse.

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Examples of these types of ITAR exemptions include:

- ✓ Export of classified technical data at the official request or direction of designated DoD officials (ITAR 125.4(b)(1))
- ✓ Export of classified technical data in furtherance of an approved Technical Assistance Agreement (TAA) or Manufacturing License Agreement (MLA) (ITAR 124.3(b) and 125.4(b)(2))
- ✓ Export of classified technical data pursuant to the terms of a contract between the exporter and a USG agency (ITAR 125.4(b)(3))
- ✓ Export of classified technical data to a company employee for own use (ITAR 125.4(b)(5))
- ✓ Export of classified technical data pursuant to a USG approved visit authorization (ITAR 125.5)
- ✓ Export of classified defense articles and technical data by or for USG agencies (ITAR 126.4)

- Ensure all arrangements and procedures are coordinated and approved by both DCSA and the foreign government
 - Transportation Plan (TPs) – describes the sale and contains general requirements for packaging and shipping the defense articles so they may be transported securely
 - Hand Carriage Plan (HCP) – written instructions for securely hand carrying classified materials
 - Secure Communications Plan (SCP) – outlines plan for securely transmitting classified information electronically between the U.S. and a foreign government or entity; written instructions on how classified voice, fax, and digital communications will be protected

- Obtain written certification from the dispatching contractor's Empowered Official verifying the classified export is within the limitations of the approved export authorization or an authorized export exemption

- Review and verify the export authorization
 - Is the identity and address of the facility correct?
 - Are the applicant's Commercial and Government Entity (CAGE) code, facility clearance (FCL) level and date listed (in item #6 of the DSP-85)?
 - If the DSP-85 has been previously used, review the endorsement section to

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ascertain if there is sufficient remaining balance for the current shipment.

- Is the country of ultimate destination the same as indicated in the TP or HCP (item #4 in the DSP-85)?

View contents and labeling of package(s)

- Perform cursory review of material and check quantity
- Visually inspect serial numbers within documentation to ensure they match hardware, when applicable
- Ensure package is prepared IAW NISPOM Chapters 5 and 10
 - Inner wrapping marked with material's classification
 - The address reflected on the outer wrapping
 - Contact your International Action Officer for addresses. Note:
 - ✓ Israeli and Canadian embassies will not accept classified mail or packages
 - ✓ For Israel, contact Israeli mission prior to mailing (or they will refuse to accept it) at:
Director of Security
Government of Israel
Mission to the USA
800 Second Avenue
New York, NY 10017
Phone: 212-551-0456/7 Fax: 212-551-0459
 - ✓ For Canada, send all classified by US Registered Mail to:
Contract Security Program PSPC
Document Control 5th floor
2745 Iris Street
c/o PSPC Central Mail Room
Place du Portage, Phase III, 0B3
11 Laurier Street,
Gatineau QC, K1A 0S5,
Canada Phone: 613-948-1664 Fax: 613-948-1710
- Enclose a transmittal letter on the outside of the inner envelope to instruct the receiver on the purpose and intended recipient of the package; a sample

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- letter can be provided by the IS Rep
 - Ensure the final destination address and POC are reflected on the inner envelope
- Ensure shipping documents include name and contact information for:
 - Cognizant Security Office (CSO) that validates the license or letter authorization; DCSA is the CSO
 - FSO or designee for the transfer
- Endorse and decrement your DSP-85 on file
 - On last page of your DSP-85, within the endorsement section, indicate which item on the face of the license is being exported and maintain a continuing balance of the remaining value
 - If you are not the holder of the original license, report the decrements to the original license holder
- Maintain a continuous chain of receipts for international transfers of all classified material from the sending entity to the U.S. DGR to the recipient DGR to the ultimate recipient
 - Receipt the material to the foreign government DGR
 - Ensure contractor receipt (or AF form 310 Document Receipt Certificate) is included in the shipment
 - Suspend a return receipt 30 days from the date of dispatch (follow-up action by DCSA if signed receipt is not returned within 45 days)
- If you are a cleared contractor DGR, ensure a file for each export and import including the required Empowered Official certification is maintained at the facility for future review by DCSA
- If you are a cleared contractor DGR, notify the DCSA IS Rep after each export or at a predetermined interval

Questions?



For more information about the DGR, visit www.cdse.edu or www.dcsa.mil.