



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6221

PROCLTR 2018-

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: End Use Certificates (EUC) (Defense Logistics Acquisition Directive (DLAD) 25.802-71)

This procurement letter (PROCLTR) is issued to implement Department of State policy directing contracting officers to use DSP-83 Form, United States of America Nontransfer and Use Certificate, when exporting items for FMS and non-FMS from the U.S. that require an end use certificate. This is also a reminder that only DLA Disposition will use DLA Form 1822, End-Use Certificate (Statement Regarding Disposition and Use of Property) for selling or property disposal.

Revised policy at DLAD 25.802-71 requires the mandatory use and processing of Department of State Form DSP-83, United States of America Nontransfer and End Use Certificate when exporting items from the U.S., and not the foreign country government end use certificate. Only DLA Disposition shall use DLA Form 1822, End-Use Certificate (Statement Regarding Disposition and Use of Property) for selling or property disposal. DoD Directive 2040.3 can be found at <http://www.esd.whs.mil/Directives/issuances/dodd/>. MSC requests for approval and execution of an EUC require coordination with the MSC Office of Counsel. DLA Acquisition Operations Division is the responsible office that will process the request for End Use Certificates and will coordinate with the Office of General Counsel and the DLA Political Advisor (POLAD). This coverage also provides estimated minimum processing days for each EUC category.

This PROCLTR is effective immediately. The DLAD is revised as stated in the attachment, which takes precedence over the published DLAD until this revision is incorporated in the published version. The DLA Acquisition Policy Division point of contact for Part 25 is Christine Cruz, (571) 767-6247, DSN 427-6247, or email: christine.cruz@dla.mil.

MATTHEW R. BEEBE
Director, DLA Acquisition

Attachment
As stated

DEFENSE LOGISTICS ACQUISITION DIRECTIVE

PART 25 – FOREIGN ACQUISITION

CONFORMED VERSION

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PART 25 – FOREIGN ACQUISITION

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SUBPART 25.8 – OTHER INTERNATIONAL AGREEMENTS AND COORDINATION

25.802-71 End use certificates.

(a) Exports from the U.S. Requiring an End Use Certificate. The contracting officer shall use and process Department of State Form DSP-83, United States of America Nontransfer and End Use Certificate, and not the foreign country government end use certificate when exporting items from the United States. Only DLA Disposition shall use DLA Form 1822, End-Use Certificate (Statement Regarding Disposition and Use of Property) for selling or property disposal.

(b) Approval and Execution of foreign government end use certifications. Submission of a foreign-government required end use certificate requires coordination with the MSC Office of Counsel. Provide the request for a Category I and II EUC, or the waiver for a Category III EUC, for DLA-managed items to the DLA Acquisition Operations Division, which will coordinate the request with the Office of General Counsel and the DLA Political Advisor (POLAD). Prior to anticipated award, allow at least 10 business days for processing of Category I EUC requests, 30 business days for Category II EUC requests, and 45 business days for Category III EUC waivers. For Military Service-managed items procured by Depot Level Repairable (DLR) and Supply Storage and Distribution (SS&D) sites, the Secretary of the Military Department is responsible for approval and execution of the EUC. Governing policy is in DoD Directive 2040.3, End Use Certificates, which can be found at

<http://www.esd.whs.mil/Directives/issuances/dodd/>.

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MARKED VERSION

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SUBPART 25.8 – OTHER INTERNATIONAL AGREEMENTS AND COORDINATION

25.802-71 End use certificates.

[The contracting officer shall use and process Department of State Form DSP-83, United States of America Nontransfer and End Use Certificate, and not the foreign country government end use certificate when exporting items for FMS or non-FMS from the United States. Only DLA Disposition shall use DLA Form 1822, End-Use Certificate (Statement Regarding Disposition and Use of Property) for selling or property disposal.] DoD Directive 2040.3 can be found at <http://www.esd.whs.mil/Directives/issuances/dodd/>. For Military Service[-]managed items [procured by] Depot Level Repairable (DLR) and Supply Storage and Distribution (SS&D) sites, the EUC is the responsibility of the Secretary of [the] Military Department [is responsible for the EUC]. Coordinate with Office of Counsel[, General Counsel,] and the DLA Political Advisor (POLAD). Provide the

request for a Category I and II EUC, or the waiver for **[a]** Category III EUC, for DLA~~[-]~~managed items to the DLA Acquisition Operations Division. Prior to anticipated award, allow **[at least]** ten (10) **[business]** ~~working~~ days for processing of Category I EUC requests, 30 **[business]** ~~working~~ days for Category II EUC requests, and 45 **[business]** ~~working~~ days for Category III EUC waivers.

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