



United States Department of State

Washington, D.C. 20520

Case No.: 200901985

Mr. Matt Schroeder
Manager, Arms Sales Monitoring Project
Federation of American Scientists
1725 DeSales Street, NW, Suite 600
Washington, DC 20036

OCT 14 2009

Dear Mr. Schroeder:

I refer to your letter dated December 11, 2008, to the Department of Defense, requesting the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). Two of the relevant documents retrieved in response to your request originated with the Department of State and were therefore referred to us for appropriate action.

We have determined that both may be released in full. All released material is enclosed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Margaret P. Grafeld".

for Margaret P. Grafeld, Director
Office of Information Programs and Services

Enclosures:
As stated.

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United States Department of State

Washington, D.C. 20520

AUG 29 2008



Vice Admiral Jeffrey Wieringa
Director, Defense Security Cooperation Agency
201 12th Street South, Suite 203, East Tower
Arlington, VA 22202-4306

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Dear Admiral Wieringa:

As you are aware, both of our organizations have been working to ensure compliance with Section 1228 of the Department of Defense's, National Defense Authorization Act of 2008 (Public Law 110-181) whereby Congress directs that "no defense articles may be provided to the Government of Iraq or any other group, organization(s), citizen, or resident of Iraq until the President certifies...that a registration and monitoring system for defense articles...has been established."

This letter is the Department of State's certification that direct commercial sale export control/licensing and Blue Lantern monitoring programs ensure compliance with § 1228 requirements for exports and deliveries of commercial origin defense articles to the Government of Iraq or any other group, organization(s), citizen, or resident of Iraq.

The Department's normal Blue Lantern procedures will not be conducted for MNSTC-I contracted material where MNSTC-I accepts delivery of the material for subsequent transfer to the Government of Iraq. This will remain a MNSTC-I responsibility. Attached is supplemental background information on some of the changes to internal Department policies, procedures, and practices to ensure full adherence to the legislated requirements.

Sincerely,

Frank J. Ruggiero
Acting Assistant Secretary
Bureau of Political Military Affairs

Enclosure:

Background §1228 Policy Changes

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Background §1228 Policy Changes

Licensing Policy for Export of Small Arms to Iraq

Pursuant to Section 1228 of the National Defense Authorization Act (NDAA) of 2008 (Public Law 110-181), the Department of State's Directorate of Defense Trade Controls (DDTC) is revising licensing policy and implementing new reporting procedures for exports of defense articles to the Government of Iraq or any other group, organization(s), citizen, or resident of Iraq. This policy change is prompted by a new legal requirement under the NDAA for a registration and monitoring system for certain exports to Iraq.

The policy affects the permanent export of a certain class of defense article(s) commonly referred to as small arms which are identified in Categories I, II and IV of the U.S. Munitions List (USML), Section 121.1 of the International Traffic in Arms Regulations (ITAR)(22 CFR 120-130).

Small arms include the following:

- firearms (hand-operated and shoulder fired), non-automatic and semi-automatic up to caliber .50 inclusive
- light automatic firearms up to and including .50 caliber machine guns
- recoilless rifles up to and including 106mm
- mortars up to and including 81mm
- rocket launchers, man portable
- grenade launchers; and
- individually operated weapons which are portable or can be fired without special mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

All DSP-5 export license applications for the above items must identify a serial number for each article. The serial number(s) must also be included in relevant export documentation, including export filing through the Automated Export System. The following proviso will be imposed on any approval:

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Within 30 days of any export under the license, the U.S. licensor will provide DDTC with the following information:

- *license number*
- *date and method of export*
- *quantity, commodity & serial number of defense articles*
- *U.S. and foreign freight forwarders and consignees*
- *end-user & complete address.*

This information should be sent c/o the following address:

*(DDTC's address)
ATTN: Iraq Monitoring Group*

The policy will be publicized via DDTC's website (www.pmdtc.state.gov).

End-use Monitoring of Lethal Defense Articles Provided to Iraq

The "Blue Lantern" end-use monitoring program is designed to verify the disposition of defense articles and services exported from the U.S. via commercial channels. The program is compliant with the requirements of NDAA Section 1228.

Under the Blue Lantern program, DDTC will request, via diplomatic cable to Embassy Baghdad, post-shipment verification of all exports of lethal defense articles as identified in Section 1228 to the Government of Iraq or any other group, organization, citizen or resident of Iraq. After the Embassy and country team obtain the requested information by contacting the designated end-user and any other relevant consignee, the results will be provided to DDTC. In the event that lethal defense articles subject to Section 1228 requirements are lost, stolen, or otherwise mishandled, appropriate actions will be taken by the DDTC and other relevant government agencies.

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Record Keeping for Defense Articles Transferred under the Iraq Security Forces Fund (ISFF) or Any Other Security Assistance Program

Within 30 days of any export under the license, the U.S. licensor will provide DDTC with the following information:

- ***detailed record of the origin***
- ***license number***
- ***date and method of export/shipping details***
- ***quantity, commodity of defense articles transferred under ISSF or other security assistance programs***
- ***U.S. and foreign freight forwarders and consignees***
- ***end-user & complete address.***

This information should be sent c/o the following address:

(DDTC's address)

ATTN: Iraq Monitoring Group

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