

U.S. Department of State
**Instructions/Guidelines for Request for Commodity
Jurisdiction (CJ)/U.S. Munitions List (USML) Determination
Form DS-4076**

General Guidelines and Process Information:

This form is used to request a Commodity Jurisdiction (CJ) determination or request a U.S. Munitions List (USML) category determination by the U.S. Department of State. Types of determination requests include: determination whether or not an article is covered by the USML; removal of an article from USML coverage; reconsideration of a previous commodity jurisdiction determination; request for a change to the USML Category designation assigned to an article; and confirmation of the USML Category designation. No classified information can be included in the request. Classified information must be sent separately to the Directorate of Defense Trade Controls (DDTC).

Regulatory provisions pertaining to commodity jurisdiction determinations are found in 22 CFR §§ 120.3 and 120.4 (the International Traffic in Arms Regulations, "ITAR," 22 CFR 120-130).

NO Classified documentation may be transmitted electronically. If classified documentation is required to support your transaction, the applicant should note in the submission that classified documentation is being transmitted under separate cover with a hardcopy of the electronic submission.

You need not be registered with the Department of State's DDTC as a manufacturer of defense articles or an exporter of defense articles and/or services to request a commodity jurisdiction determination. It is preferable that the manufacturer file the request. If you are not the manufacturer of the article for which you seek a commodity jurisdiction determination, we recommend that you coordinate with the manufacturer to obtain the information necessary for the commodity jurisdiction determination request. A letter of authorization from that manufacturer is required. If you are acting on another's behalf, a letter from the other party authorizing you to act on their behalf is required.

A response from DDTC to a commodity jurisdiction determination request specifies whether the Department of State is the proper licensing authority for an item or service. It is not a license or approval to export. If you want to export your item or perform services while the commodity jurisdiction determination is in the review process, you must be registered and obtain the appropriate approval prior to export. Please check the DDTC Internet Web site (www.pmdtc.state.gov) for information on contacting the Office of Defense Trade Controls Compliance and its Registration division.

In making submissions:

- Where requested, provide complete names.
- Do NOT submit your entire product catalog for determination at one time. DDTC will only make commodity jurisdiction determinations on an article-by-article basis.
- Include all relevant supporting documentation and copies of identical and precedent submissions, as well as detailed documentation, descriptive literature, and explanations.
- Use of searchable .pdf format for supporting documentation will facilitate processing insofar as commodity jurisdiction determination submissions are staffed to other agencies.

All blocks with an asterisk must be completed. The remaining blocks, while not mandatory, provide information that will assist in reviewing your request. Failure to provide information that is essential to the review may result in a misleading response.

Once received, the commodity jurisdiction determination request is assigned a number by DDTC and you will be informed of our receipt and the commodity jurisdiction determination number. Copies of the request are sent to the appropriate U.S. Government agencies for review. To avoid your request being Returned Without Action (RWA'd) and to prevent delays in the interagency coordination process, we ask that you provide in your submission **all** the information requested.

After the necessary technical and policy reviews, other relevant agencies provide recommendations regarding the appropriate export control jurisdiction to DDTC. DDTC considers these recommendations in reaching a final decision, of which you will be notified.

To obtain the status of your CJ/USML determination request, call DDTC's Response Team at (202) 663-1282. You may also review the status of your submission electronically through the electronic medium used to make your submission.

Specific Instructions for Preparation of Applications:

***Block 1.** Date Prepared. The date this request is prepared is automatically entered if submitting electronically.

***Block 2.** This submission is from. Choose from among the following, for purposes of identifying the nature of the defense trade role of the CJ requester (originator of the submission): 1) the manufacturer, 2) intending exporter, 3) the manufacturer and intending exporter, 4) consultant on behalf of manufacturer, 5) consultant on behalf of intending exporter, 6) law firm on behalf of manufacturer, 7) law firm on behalf of intending exporter, or 8) other. If "other" is chosen, provide a description in the text box labeled "Please specify." If submitting on another's behalf, a letter from the other party authorizing you to act on their behalf is required.

***Block 3.** Information on Requester. Name and address of requester in Block 3a should reflect the name and address as registered with DDTC. The information provided in Block 3b should relate to a Point of Contact who is particularly knowledgeable about the technical aspects of the article and the nature of the commodity jurisdiction determination request and need not be identical to the Requester. If the point of contact is associated with the manufacturer or exporter, Block 4b should be completed instead of Block 3b. In the event the requester in Block 3 is the manufacturer or exporter, Block 4 does not have to be completed. In Block 3c, if the Requester is registered with DDTC as a manufacturer and/or exporter of defense articles or defense services, enter the number assigned upon registration (or renewal) with DDTC. This will be a 4- or 5-digit number. If applicant is a manufacturer and/or exporter, include the pre-fix letter “M” (See 22 CFR 122). Requester is not required to be registered to submit a Request for Commodity Jurisdiction (CJ)/U.S. Munitions List (USML) Determination for a commodity jurisdiction determination.

Block 4. Information on Entity(s) on behalf of which request is submitted. If you are making a submission on behalf of a manufacturer or an exporter, provide the requested information to identify that person. In the event, a subsidiary of the registrant is submitting the request, click on “Add Subsidiary Information.” In Block 4b, identify the person who is the manufacturer or exporter and who can serve as the point of contact for further technical information about the article in question for this commodity jurisdiction determination request. In Block 4c, if the entity is registered with DDTC as a manufacturer and/or exporter of defense articles or defense services, enter the number assigned upon registration (or renewal) with DDTC. This will be a 4- or 5-digit number. If registrant is a manufacturer and/or exporter, include the pre-fix letter “M” (See 22 CFR 122).

***Block 5.** Type of Request. Check one box to indicate the specific purpose of your commodity jurisdiction determination request. If the request is for reconsideration of a previous commodity jurisdiction determination, cite that commodity jurisdiction determination case number. If the previous commodity jurisdiction determination was electronically submitted, complete Blocks 3 and 6.

Block 6. Rationale for change of USML Category or reconsideration of previous commodity jurisdiction determination. If the “Request for reconsideration of a previous commodity jurisdiction determination” box or the “Change a USML Category” box in Block 5 above was checked, provide, in detail, the specific reason for this request in Block 6. The electronic text box will show a portion of the text, click on “View Full Description” to view all of the text. If “Request for reconsideration of a previous commodity jurisdiction determination” is checked, only complete Blocks 3 and 6.

***Block 7.** Description of product. Be as specific as possible in identifying the article or service, including its name, the model, and/or part numbers. Check one box in Block 7a to indicate the type of article that is the subject of the commodity jurisdiction determination request. Please note that for this purpose software is considered to be Technical Data.

***Block 8.** Define the product or service. Use definitions found in 22 CFR §121.8 to define the article or service that is the subject of this Request for Commodity Jurisdiction (CJ)/U.S. Munitions List (USML) Determination.

***Block 9. Military/Commercial Modifications.** Check the appropriate box and use the text box, as appropriate, to indicate the purpose for which the article was originally designed and developed. State whether the item was developed, designed or modified specifically for military application, for commercial application, or both military and commercial application. Provide details about any modifications and changes in the capabilities of the article.

***Block 10.** Describe the product's use (what it does, how it works, and the components/end items/systems in which it is used) and identify any special characteristics/capabilities. Use the text box to clarify the use and operational characteristics of the article. State whether the article is a component and if so, specifically of what. If the commodity jurisdiction determination request is for a service, provide comparable information that explains the service. Include, as appropriate, any military standards or military specifications that the article is designed to meet. Describe any special characteristics of the item, e.g., radiation-hardening, ballistic protection, hard points, TEMPEST capability, thermal or infrared signature reduction capability, and surveillance or intelligence gathering capability. If the item uses image intensification tubes, for example, give the level of technology (Gen II, Gen III, etc.). If the item is a commercial item modified for military applications, we recommend that you designate a new nomenclature and model number in order to differentiate this item from the commercial product line. Be sure to specify the distinct differences between the product after it was modified or adapted for a military application and the original commercial product before changes were made. If the commodity jurisdiction determination request is for a service, provide comparable information that explains the service.

***Block 11.** The product was originally designed, developed, configured, adapted and/or modified for. Select and check a single box to state the purpose for which the article was **originally** designed, developed, configured, adapted and/or modified. Use the text box to clarify this if "Other" is checked.

***Block 12.** The funding source(s) for the product's development was. Check all of the appropriate boxes to indicate funding sources for the article's development. Use the text box for clarification if either the "Other U.S. Government Source" box or the "Other Private Source" box is checked. If funded by the U.S. Government, identify the agency that provided the funding and the type of funding that was provided.

Block 13. Identify the program(s) that provided the funds and a U.S. Government point of contact for each program. List and briefly describe the programs that are identified with the funding referenced in Block 12. For all selections in Block 12 other than "Applicant" and "Other Private Source," use the "Program" text box to provide the contract numbers and "POC Name" and "Agency" text boxes for U.S. Government points of contact. Click "Add More Programs" if you need to enter information regarding more than three programs.

***Block 14.** Existing Market Information. Describe all current uses of the item and state whether or not the uses have changed significantly over time. Include only what the item "is used for," rather than what it "can be used for." Military and commercial sales data must be provided, as well as a listing of the military and commercial customers. If "National Laboratory" is checked as a type of U.S. customer, specify the laboratory. Likewise, if "Other" is checked as a type of foreign

customer, identify the specific customer. Only sales data on the specific item for which the commodity jurisdiction determination request is sought are germane. Values must be stated in terms of whole U.S. dollars. If the commodity jurisdiction determination request is for a service, provide comparable information that explains the service. Provide 5 years of marketing information if requesting removal of an item from the USML for Block 14a. May provide up to 10 years of marketing information.

***Block 15.** Has this product or any variant been exported? Check the appropriate box to indicate whether the product or any variant has been exported. If “yes,” indicate under which export control jurisdiction the transaction was made.

***Block 16.** The requester has knowledge that a USML Determination/Commodity Jurisdiction. Check the appropriate box to indicate whether the applicant has knowledge of previous relevant commodity jurisdiction determination actions. If there has been a previous case, enter the case number.

***Block 17.** The requester has knowledge that a Commodity Classification. Check the appropriate box to indicate whether the applicant has knowledge of a previous Commodity Classification by the Department of Commerce. If there has been a previous case, enter the case number.

***Block 18.** Identify the USML Category or Export Commodity Control Number (ECCN) that you believe currently controls the product. Check the appropriate box to indicate the relevant USML Category or Commerce Control List Category that pertains to the article in question. For ITAR-controlled articles enter the USML Category, Paragraph, and Subparagraph. For CCL articles, enter the relevant ECCN. Explain why you identify the article in terms of the USML or ECCN. If the USML Category or ECCN is unknown, check “Unknown.”

***Block 19.** Is the product that is the subject of this request also the subject of an enforcement matter? Disclose whether the article is the subject of an enforcement matter, with which agency(s), and the nature of the enforcement matter.

Block 20. Provide any additional information that might assist in processing your request. Use this block as an opportunity to better explain your request. You may wish to include and address a variety of issues, such as foreign availability, the export of similar/identical articles under a different export control regime, status of filing and granting of patent, secrecy orders, etc.

***Block 21.** Abstract of the Case Disposition for Public Disclosure. Provide a description of the product that does not include proprietary or other controlled information so that an abstract of the case disposition may be posted on the DDTC Internet Web site for public access and information. If you object to such a posting, provide a detailed rationale for DDTC consideration.