

U.S. Department of State
**Instructions for Preparing and Submitting Form
DS-4076: Request for Commodity Jurisdiction (CJ) Determination to the
Office of Defense Trade Controls Policy**

GENERAL INSTRUCTIONS

1. "Commodity Jurisdiction" (CJ) refers to the procedure described in ITAR § 120.4.
2. "ITAR" refers to the International Traffic in Arms Regulations (22 CFR parts 120-130).
3. "USML" refers to the U.S. Munitions List (ITAR § 121.1).
4. "EAR" refers to the Export Administration Regulations (15 CFR parts 730 through 774).
5. "CCL" refers to the Commerce Control List within the EAR.
6. "ECCN" refers to Export Control Classification Number as defined in the EAR.
7. "Jurisdiction" refers to the placement of an item, information, or service under the control of a specific set of regulations (e.g., ITAR, EAR).
8. "Classification" refers to the specific placement of a commodity within a specific set of regulations (e.g., USML Category VIII(a)(1) of the ITAR, CCL ECCN 9A610.x of the EAR).
9. Do not enter classified (ITAR § 120.38) information on the form or upload documents containing classified information as part of this submission. Instead, indicate on the form that you have classified information relevant to the CJ request to provide and, after your request is submitted, contact the Department of State analyst assigned to your case for instructions on securely submitting the relevant classified information.
10. Unless specified otherwise, responses to all entries are required. Incomplete submissions may be Returned Without Action (RWA). Where information is required but not applicable, use "N/A" (e.g., when a CJ submission does not relate to a voluntary disclosure).
11. Provide descriptions in all applicable text fields and attach additional information where requested.
12. Do not state "see attached" in any block, as this may cause a submission to be rejected.
13. Do not provide replies using all capital letters.
14. All relevant materials and supporting documentation must be filed with the DS-4076 form at the time of submission (with the exception of classified information; see #9 of this instruction).
15. Each CJ determination request should be accompanied by a cover letter, on the filer's letterhead, providing an executive summary of the request for determination.
16. A filer need not be registered with DDTC at the time a CJ determination request is submitted. However, in the event a filer is registered with DDTC, that information must be entered on the form.
17. Commodities may be exported or temporarily imported, and services furnished, concurrent with a commodity jurisdiction submission. However, the filer is strongly encouraged to treat the activity as subject to the ITAR and to obtain any required licenses or other approvals prior to export. Doing so may avoid ITAR violations should the commodity or service be subject to the ITAR.
18. For assistance in completing this form, contact the DDTC Response Team at (202) 663-1282 or DDTCCustomerService@state.gov.

BLOCK 1. FILER INFORMATION

Registered with DDTC If registered with DDTC (see ITAR part 122 or 129), registration code goes in this field. A user can select from a dropdown registration code if the user has been assigned to the company registration code by their employer's DECCS administrator. Employees not assigned to the company registration code will need to add this information manually.

Not registered with DDTC If not registered with DDTC, select this option.

FILER TYPE (at least one type is required)

- i. Manufacturer Select this box if you are a person who engages in the United States in the business of manufacturing defense articles. (Such a person is required to register with DDTC (see ITAR § 122.1).)
- ii. Exporter Select this box if you are a person who engages in the United States in the business of exporting or temporarily importing defense articles or furnishing defense services. (Such a person is required to register with DDTC (see ITAR § 122.1).) Documentation from the manufacturer authorizing the filer to file on its behalf and to publicly release the information provided in Block 4, Section a, must be provided with the submission. Without such an authorization letter, the CJ submission may be RWA'd. An authorization letter template is available on the CJ webpage of the DDTC website (www.pmdrtc.state.gov).
- iii. U.S. Government Select this box if you are acting on behalf of a U.S. government entity.
- iv. Foreign Government Select this box if you are acting on behalf of a foreign government.
- v. Manufacturer's Representative Select this box if you are a person authorized by the manufacturer (U.S. or foreign) to file a DS-4076 on its behalf. Documentation from the manufacturer authorizing the filer to file on its behalf and to publicly release the information provided in Block 4, Section a, must be provided with the submission. Without this authorization letter, the CJ submission may be RWA'd. An authorization letter template is available on the CJ webpage of the DDTC website (www.pmdrtc.state.gov).

- vi. Other Select this box if you are a person not described by any of the other categories (e.g., individual person not associated with a business, or a person authorized by an exporter or temporary importer to file a DS-4076 on its behalf). Documentation from the manufacturer authorizing the filer to submit on behalf of the exporter or temporary importer and to publicly release the information provided in Block 4, Section a, must be provided with the submission. Without this authorization letter, the CJ submission may be RWA'd. An authorization letter template is available on the CJ webpage of the DDTTC website (www.pmdtcc.state.gov).
- "Other" should also be selected by applicants seeking a USMIL determination for ATF permanent import control purposes. For these applicants, in the "if other, explain" field, please write, "ATF-directed USMIL permanent import CJ submission."

BLOCK 1. FILER INFORMATION (continued)

- Entity or Individual's Name Enter the legal name of the entity or individual making the submission.
- Doing Business as Name If the entity's operating name is different from the legal name, enter the operating name of the entity. (optional)
- Address Line 1 Enter the first line of the submitter's street address.
- Address Line 2 Enter the second line of the submitter's street address. (optional)
- City Enter the name of the city where the submitter's street address is located.
- Country Select the name of the country where the submitter's street address is located.
- State/Province Enter the name of the state or province where the submitter's street address is located.
- ZIP/Postal Code Enter the ZIP or postal code where the submitter's street address is located.

APPLICANT (information for the person whose signature appears in Block 16)

- Applicant Salutation Enter the preferred salutation of the person whose signature appears in Block 16.
- Applicant First Name Enter the first name of the person whose signature appears in Block 16.
- Applicant Last Name Enter the last name of the person whose name appears in Block 16.
- Applicant Telephone Enter a telephone number at which the person whose signature appears in Block 16 can be reached.

Applicant E-mail Enter an e-mail address at which the person whose signature appears in Block 16 can be reached.

POINT OF CONTACT (optional)

The Point of Contact should be authorized and able to discuss the submission.

POC Salutation Enter the preferred salutation of a point of contact authorized to discuss the CJ.
POC First Name Enter the first name of a point of contact authorized to discuss the CJ.
POC Last Name Enter the last name of a point of contact authorized to discuss the CJ.
POC Telephone Enter a telephone number at which the point of contact can be reached.
POC E-mail Enter an e-mail address at which the point of contact can be reached.

TECHNICAL POINT OF CONTACT (optional)

The Technical Point of Contact should be authorized and able to discuss the technical aspects of the commodity.

POC Salutation Enter the preferred salutation of a point of contact authorized to discuss the CJ.
POC First Name Enter the first name of a point of contact authorized to discuss the CJ.
POC Last Name Enter the last name of a point of contact authorized to discuss the CJ.
POC Telephone Enter a telephone number at which the point of contact can be reached.
POC E-mail Enter an e-mail address at which the point of contact can be reached.

ORIGINAL EQUIPMENT MANUFACTURER (OEM) INFORMATION (this information is required if filer type is Exporter, U.S. Government, Foreign Government, Manufacturer's Representative, or Other)

Entity Name Enter the legal name of the company or organization.
Doing Business as Name If the entity's operating name is different from the legal name, enter the operating name of the company or organization. (optional)
Address Line 1 Enter the first line of the OEM's street address.
Address Line 2 Enter the second line of the OEM's street address. (optional)
City Enter the name of the city where the OEM's street address is located.
Country Enter the country where the OEM is located.
ZIP/Postal Code Enter the ZIP or postal code where the OEM's street address is located.

State/Province Enter the state/province of where the OEM is located.

THIRD PARTY (this information is required if filer type is Other-Exporter's Representative (in which case the third party is the exporter), Other-Broker's Representative (in which case the third party is the broker), Other-Temporary Importer's Representative (in which case the third party is the temporary importer), or Other-ATF Directed CJ (in which case the third party is ATF))

Entity or Individual's Name Enter the legal name of the entity or individual.

Doing Business as Name If the entity's operating name is different from the legal name, enter the operating name of the company or organization. (optional)

Address Line 1 Enter the first line of the Third Party's street address.

Address Line 2 Enter the second line of the Third Party's street address. (optional)

City Enter the name of the city where the Third Party's street address is located.

Country Enter the country where the Third Party is located.

ZIP/Postal Code Enter the ZIP or postal code where the Third Party's street address is located.

State/Province Enter the state/province where the Third Party is located.

BLOCK 2. SUBMISSION TYPE

Submission Type Select "New Submission," "Resubmission," and "Related to a U.S. Government request," as appropriate.

Prior CJ Case Number If this is a Resubmission, provide the CJ number of the previous submission.

Reason for Resubmission If this is a Resubmission, select

Prior CJ Returned Without Action (RWA) If the original prior submission was "Returned Without Action."

Reconsideration – additional information proved If the filer wishes to provide additional information relevant to the jurisdiction assessment.

Redesignation of article or service currently covered by USML If the filer has received a previous determination and seeks a USML reclassification.

Summarize Reason for Resubmission If this is a Resubmission, provide a concise description of the reason for resubmission.

Disclosure/Case #	If this is Related to a U.S. Government Request or a disclosure, provide the relevant case number.
USG Agency Requested	If this is Related to a U.S. Government Request, provide the name of the related U.S. Government Agency. For filers seeking an ATF USMIL CJ determination for permanent import control purposes, select "Related to a U.S. Government Request," and provide the information requested in the "If related to a U.S. Government Request" block.

U.S. GOVERNMENT POINT OF CONTACT (POC)

POC Salutation	Enter the preferred salutation of a point of contact authorized to discuss the CJ.
First Name	Enter the first name of the U.S. government agency POC.
Last Name	Enter the last name of the U.S. government agency POC.
POC Telephone	Enter a telephone number at which the point of contact can be reached.
POC E-mail	Enter an e-mail address at which the point of contact can be reached.

BLOCK 3. COMMODITY/SERVICE TYPE (at least one is required)

End Item	A system, equipment, or an assembled article ready for its intended use (see ITAR § 120.40(b)).
Component/Major	An item that is useful only when used in conjunction with an end-item (includes any assembled element that forms a portion of an end-item without which the end-item is inoperable) (see ITAR § 120.40(c)(1)).
Component/Minor	An item that is useful only when used in conjunction with an end-item (includes any assembled element of a major component (see ITAR § 120.40(c)(2)).
Part	Any single unassembled element of a major or a minor component, accessory, or attachment, which is not normally subject to disassembly without the destruction or the impairment of designed use (see ITAR § 120.40(e)).
Accessory/Attachment	Associated article for any component, equipment, system, or end-item, and which is not necessary for its operation, but which enhances its usefulness or effectiveness (see ITAR § 120.40(d)).
Firmware	Includes but is not limited to circuits into which software has been programmed (see ITAR § 120.40(f)).
Software	Includes but is not limited to system functional design, logic flow, algorithms, application programs, operating systems, and support software for design, implementation, test, operation, diagnosis and repair (see ITAR § 120.40(g)).

System	A combination of parts, components, accessories, attachments, firmware, software, equipment, or end-items that operate together to perform a function (see ITAR § 120.40(h)).
Service	The furnishing of assistance, training, technical information (see ITAR § 120.32).
Information	Undefined by the ITAR, but, for reference, see ITAR § 120.33.
Material	Undefined by the ITAR, but, for reference, see an English language dictionary definition of the term.
Other	If none of the other terms apply.

BLOCK 4. COMMODITY/SERVICE BASIC INFORMATION

Section a.	Commodity/service information released in Block 13
Commodity Name	Provide information in text field.
Generic Description	Provide information in text field.
Model and Version Number	Provide information in text field. If the commodity for determination is software, provide a version date in this field if there is not a model or version number.
Part Number	Provide information in text field.
Section b.	Additional commodity/service information not released in Block 13
National Stock Number	Provide information in text field.
Other Identifier	Provide information in text field.
Military/Intelligence Specification	Provide information in text field.
Patent Information	Provide information in text field.
Cost Per Unit	Provide information in text field.
Manufacturer's Website	Provide information in text field.
Commodity/Service Website	Provide information in text field.
Explain if restricted for public release by the U.S. Government	Provide information in text field.

BLOCK 5. COMMODITY/SERVICE DETAILED DESCRIPTION

Commodity/Service Detailed Description Provide a detailed description of the commodity. At a minimum, describe what it is, what it does, how it operates, the components and/or systems that are used in or with it, and identify the end use platform in which the commodity is to be integrated, incorporated, etc., if it is a minor component.

If Commodity/Service Type is Software or Firmware, fill out the following fields:

Programming Language Provide a detailed description of the programming language used.

Operating System Provide a detailed description of the operating system used.

Percentage of High Level Code and Machine Code Provide an accurate percentage.

Intended purpose of the software and possible/likely use Provide a detailed description.

Firmware involved Provide a detailed description of the firmware used.

Hardware Provide a detailed description of the associated hardware and equipment necessary to execute the software as well as technical characteristics of any special purpose, developmental, or non-off-the-shelf hardware.

Software Structure Describe the software structure in terms of partitioning or modularity. Are the algorithms contained in one distinguishable portion while data is contained in another? If not, can the two be separated?

Associated Software To what extent does the software rely on other systems' software to exchange data? Does this reliance provide a window into the other programs? If so, what programs?

Is the software based on or does it contain open-source software or software code? Provide answer in text field.

Is the software or associated documentation related directly or indirectly to a defense system? Provide answer in text field.

Is identical or comparable software available through foreign or domestic, commercial, or government resources? Provide answer in text field.

Does the software or any of its components perform information security functions?

Provide answer in text field.

BLOCK 6. SPECIAL/UNIQUE CHARACTERISTICS AND CAPABILITIES

Ballistic Protection	If box is checked, provide a detailed description of the ballistic protection (e.g., NIJ RF1).
Chemical, Biological Weapon	If box is checked, provide a detailed description.
Civil Applications	If box is checked, provide a detailed description.
Hard Points	If box is checked, provide a detailed description.
Intelligence Applications	If box is checked, provide a detailed description.
Low Observable/Counter-Low Observable	If box is checked, provide a detailed description.
Military Applications	If box is checked, provide a detailed description.
Radiation Hardened	If box is checked, provide a detailed description.
Surveillance or Intelligence Gathering Capability	If box is checked, provide a detailed description.
Space Applications	If box is checked, provide a detailed description.
TEMPEST Capability	If box is checked, provide a detailed description.
Thermal or Infrared Signature Reduction Capability	If box is checked, provide a detailed description.
Other	If box is checked, provide a detailed description.

BLOCK 7. COMMODITY ORIGIN

Was or is this commodity being developed with knowledge for use in or with a particular commodity (e.g., F/A-18 or HMMWV)?

Select "Yes" or "No," and provide explanatory text in the provided text field. See ITAR §§ 120.41 and 120.43.

Was or is this commodity being developed with knowledge for use in or with a type of commodity (e.g., aircraft or machine tool)?

Select "Yes" or "No," and provide explanatory text in the provided text field. See ITAR §§ 120.41 and 120.43.

Was or is this commodity being developed with knowledge that it would be used in or with defense articles enumerated on the U.S. Munitions List?

Select "Yes" or "No," and provide explanatory text in the provided text field. See ITAR §§ 120.41 and 120.43.

Was or is this commodity being developed with knowledge that it would be used in or with commodities not on the U.S. Munitions List?

Select "Yes" or "No," and provide explanatory text in the provided text field. See ITAR §§ 120.41 and 120.43.

Regardless of form or fit, is this commodity a fastener, washer, spacer, insulator, grommet, bushing, spring, wire, or solder?

Select "Yes" or "No," and provide explanatory text in the provided text field. See ITAR § 120.41.

Does this commodity have the same function and performance capabilities as another commodity used in or with an item that is both (a) currently or formerly in production and (b) not enumerated on the U.S. Munitions List?

See ITAR §§ 120.41 and 120.43.

Same Function? Select "Yes," "No," or "Unknown."

Same performance capabilities? Select "Yes," "No," or "Unknown."

Do the two commodities also have the same or equivalent form? Select "Yes," "No," or "Unknown."

Are identical or comparable commodities available through foreign means? Select "Yes," "No," or "Unknown." If "Yes" was selected, provide information on the "like" commodity in the provided text fields.

BLOCK 8. COMMODITY DEVELOPMENT STAGE

What is the current stage of development for this commodity? Select one of the options. If none are descriptive, select "Other" and provide an explanation in the provided text field.

BLOCK 9. FUNDING HISTORY

U.S. Government (USG) Agency Select this option if the development or production of the commodity (to include provision of services) was funded by the U.S. government.

Identify which agency funded your item and any USG contract numbers and Points of Contact as applicable Use the provided text field. Attach a copy of the Contract and Statement of Work.

Identify what percentage of the total funding was by a USG agency	Use the provided text field.
Provide the date(s) of contracts or funding authorizations	Use the provided text field.
Foreign Government Agency	Select this option if the development or production of the commodity (to include provision of services) was funded by a foreign government agency.
Identify which country and specific foreign government agency, and describe what type of funding was provided	Use the provided text field.
U.S. or Foreign Contractor	Select this option if the development or production of the commodity (to include provision of services) was funded by a U.S. or foreign contractor.
Provide the name of the contractor and contact number as applicable	Use the provided text field.
University Funded	Select this option if the development or production of the commodity (to include provision of services) was university funded.
Provide the name of the university and contact number as applicable	Use the provided text field.
Self-funded	Select this option if the development or production of the commodity (to include provision of services) was self-funded.

BLOCK 10. SALES INFORMATION

Have there been any military sales in the past 5 years? Select "Yes" or "No."

If yes, fill out the following fields:

Purchaser

Country

Nomenclature/Model#

End Use
End User
Sales Date(s)
Units Sold
Additional Information

If no, and the commodity is fully developed, provide explanation in the provided text field

Have there been any civil/commercial sales in the past 5 years? Select "Yes" or "No."

If yes, fill out the following fields:

Purchaser
Country
Nomenclature/Model#
End Use
End User
Sales Date(s)
Units Sold
Additional Information

If no, and the commodity is fully developed, provide explanation in the provided text field

BLOCK 11. EXPORT/CLASSIFICATION INFORMATION

Has this commodity been previously exported? Select "Yes," "No," or "Unknown."

If yes, please provide export history If yes, provide a concise narrative regarding the export history.

Add License Provide license number(s) in the provided text field.

Was this exported as part of a Foreign Military Sale (FMS) case?

If yes, provide a concise narrative regarding the export history (see ITAR § 126.6)(c)).

Add FMS Case

Provide FMS Case number(s) in the provided text field.

Has this commodity been subject to a Department of Commerce Classification Request?

Select "Yes," "No," or "Unknown." If yes, attach a copy of the classification document.

BLOCK 12. REASON FOR SUBMITTING CJ REQUEST

Explanation

Explain why this CJ request was submitted.

Potential USML category:

If applicable, provide the USML category that appears to best match the item under review.

Potential ECCN:

If applicable, provide the ECCN that appears to best match the item under review.

Rationale for recommended classifications, to include specially designed analysis (if applicable):

If applicable, state the rationale for arriving at the above conclusion(s) regarding the classification of the item to be reviewed (see ITAR § 120.11).

BLOCK 13. PUBLICATION

Publication

Information to be published will be limited to the information provided in Block 4a and any other information provided in this field. This field may also be used to explain which Block 4, Section a information should not be published and why.

BLOCK 14. OTHER (optional)

Please provide any other information that should be considered and is not otherwise included in this form

Provide any additional information not previously requested that should be considered by the Department of State when reviewing this CJ request.

BLOCK 15. SUPPORTING DOCUMENTATION

Optional Supporting Documentation

Select those documents you will attach to the submission. For a thoroughly-documented submission, it is recommended you include as many of these documents as possible.

Conditionally Required Supporting Documentation

If filer type is Manufacturer's Representative, Exporter, or (in certain instances) Other	Documentation from the manufacturer authorizing the Manufacturer's Representative, Exporter, or Other to file on its behalf and to publicly release the information provided in Block 4, Section a, must be provided with the submission. Without this authorization letter the CJ submission may be RWA'd. An authorization letter template is available on the CJ webpage of the DDTC website (www.pmdtdc.state.gov).
If commodity/service type is software	Attach a top-level flowchart of the software architecture.
If an identical or comparable commodity is available	Attach documentation on identical or comparable commodity.
If funding history is U.S. Government	Attach a copy of the Contract or Statement of Work.
If this commodity has been subject to a Department of Commerce Classification Request	Attach a copy of the CCATS.

BLOCK 16. APPLICANT/SUBMITTER'S CERTIFICATION

The filer certifies as to the accuracy and completeness of the information provided and has not knowingly omitted information that could have an impact on the final determination. The signatory will be the addressee on the final determination letter for this CJ request, and will receive the letter via the electronic system. The filer also certifies that classified information was not included in the CJ submission.

PRIVACY ACT STATEMENT

AUTHORITIES: The information is sought pursuant to Exec. Order No. 13637, 22 U.S.C. 2778, 22 CFR § 120.3, 22 CFR § 120.4, and 22 CFR Part 121.

PURPOSE: The purpose of a commodity jurisdiction determination request is to provide the U.S. Government with information concerning the design, manufacture, export, brokering, and sale of certain articles which may be described on the U.S. Munitions List (USML, 22 CFR Part 121) and are therefore subject to the export licensing jurisdiction of the Department of State. This information will be used to determine the correct export jurisdiction and classification of items.

ROUTINE USES:

The information supplied on this form is made available to appropriate agencies for law enforcement or pursuant to a court order. It may also be used to send required reports to Congress about certain defense transactions. More information on the Routine Uses for the system can be found in the System of Records Notice State-42, Munitions Records.

DISCLOSURE:

Providing this information is voluntary and designed to assist individuals and companies to properly determine the export jurisdiction and classification of commodities and services. Failure to provide the information requested on this form may result in adverse determinations by the U.S. Government as regards the proper classification of commodities manufactured, sold, or brokered by the respondent.