

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Request for Commodity Jurisdiction (CJ) Determination
OMB No. 1405-0163
Form DS-4076**

A. Justification

1. Why is this collection necessary and what are the legal statutes that allow this?

The Directorate of Defense Trade Controls (DDTC), Bureau of Political-Military Affairs, U.S. Department of State, in accordance with the Arms Export Control Act (AECA) (22 U.S.C. 2751 *et seq.*) and the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130), is responsible for regulating the export, reexport, retransfer, and temporary import of defense articles and defense services described on the U.S. Munitions List (USML) at ITAR § 121.1, and the brokering thereof which are covered by the USML or the United States Munitions Import List at 27 CFR 447.21.

The statutory authority of the President to promulgate regulations with respect to the export, reexport, retransfer, and temporary import of defense articles and the provision of defense services was delegated to the Secretary of State by Executive Order 13637. These regulations are primarily administered by the Deputy Assistant Secretary of State for Defense Trade Controls and the Directorate of Defense Trade Controls within the Bureau of Political-Military Affairs.

Pursuant to ITAR § 120.4, a person may request a written determination from the Department of State as to whether a particular article or service is covered by the USML. DDTC's policy on designating and determining whether an article or service is a defense article or defense service covered by the USML is described in ITAR § 120.3. DDTC refers to this determination as a "commodity jurisdiction" (CJ) determination. Separately, section 38(e) of the Arms Export Control Act (22 U.S.C. § 2778(e)) statically cross references to and thus currently incorporates section 1761(a)(1) through (4) and (7) of the Export Control Reform Act (50 U.S.C. 4820), which allows broad information collection.

2. What business purpose is the information gathered going to be used for?

Information submitted in response to this collection will be shared with the Departments of Defense and Commerce, and other U.S. Government (USG) agencies, as needed, during the CJ review process. DDTC and the agencies with which DDTC share information will review and analyze the information to determine if an article or service is covered by the USML and is thus subject to the export jurisdiction of the Department of State. If an article or service has already been determined to be covered by the USML, DDTC and other applicable USG agencies will use the information to determine if the previous determination remains accurate.

3. Is this collection able to be completed electronically (e.g., through a website or application)?

Yes, respondents who wish to request a CJ determination should submit their request electronically through DDTC's web portal, the Defense Export Control and Compliance System (DECCS). Respondents may access the web portal through DDTC's website, pmdtc.state.gov. If respondents are unable to submit their request electronically, they may submit the DS-4076 to the Department and the Department will manually upload the DS-4076 into DECCS.

4. Does this collection duplicate any other collection of information?

No.

5. Describe any impact on small business.

Export control laws and regulations are designed to safeguard U.S. foreign policy and national security interests and to further world peace. The law and regulations are applicable equally to large and small businesses or entities. Submitting a CJ request is optional and is not required of businesses or entities unless they have doubt as to the export jurisdiction of their article or service. Burdens have been minimized through the development of clear guidelines for the submission of information, and by changes to the USML to reduce the number of responses industry deems necessary.

6. What are consequences if this collection is not done?

Form DS-4076 provides the Department with a mechanism to collect the information necessary to determine whether specific articles and services are described on the USML when the requestor has doubt as to the proper export jurisdiction. Absent this information collection the Department would not have a process to assist the public in determining whether a specific article or service is covered by the USML.

7. Are there any special collection circumstances?

There are no special circumstances associated with this collection.

8. Explain the agency's intent to publish a notice in the *Federal Register*.

The Department published a notice in the *Federal Register* (91 FR 1852, Jan. 15, 2026) soliciting public comments for 60 days and multiple substantively equivalent comments were submitted, each asserting that

1) The existing CJ form prevents members of the public from submitting a CJ without permission from the manufacturer,

2) This prevents concerned citizens from notifying DDTC when they believe defense articles are being exported without USG authorization, and

3) The CJ form should be altered to allow submissions for this purpose, even if returned without action, to enable USG notification without automatic returns without action.

However, the CJ process is not the correct tool for members of the public to notify the Department of suspected ITAR violations. The Department welcomes tips regarding suspected violations, including potential exports of defense articles, provision of defense services, or the manufacturing of defense articles in the United States by entities that are not registered with DDTC. Tips may be submitted by emailing DDTCCustomerService@state.gov or by phoning (202) 663-2838 from 8 am to 5pm ET. Reports should include as much detail as possible (who, what, when, where, why, and how) and should indicate whether the Department can contact the submitter for additional information. The Department treats tips confidentially. Likewise, the Department will not discuss its response to a tip (including the status of any subsequent compliance reviews) with the submitter.

The Department notes that anyone may file a CJ, including those who are not registered with DDTC, and every case that is returned without action is reviewed by multiple personnel who assess whether the request could be processed following specific updates by the filer.

In general, the Department does limit CJ filings to the original equipment manufacturer (OEM) or authorized representatives. The OEM is normally best positioned to provide relevant information essential to the adjudication process, including information about development history and past sales. When an OEM is unresponsive or unavailable, a CJ request may be submitted with a letter explaining why an authorization letter from the OEM is not available. The Department determines all returns without action on a case-by-case basis, including whether a CJ application without an OEM authorization letter can be processed.

Details on each of these topics are also available on DDTC's website:

["How to Submit a Tip"](#)

["Who can submit a CJ?"](#)

["What if the original equipment manufacturer \(OEM\) no longer exists or will not give authorization for a CJ request?"](#)

9. Are payments or gifts given to the respondents?

No payment or gift has been or will be provided to any respondent.

10. Describe assurances of privacy/confidentiality.

Respondents to this collection may review 22 CFR 120.21, which describes DDTC's policy regarding the disclosure of information, and which implements the AECA's provision making license-related information confidential by statute (22 U.S.C. § 2778(e) (cross-referencing to Export Control Reform Act § 1761(h)). Beyond that, trade secrets and commercial information obtained from respondents in connection with this submission and which are privileged or

confidential are not generally subject to public release. Additionally, respondents may review the Privacy Impact Assessment (PIA) for DDTC's electronic system (DECCS) on the Department of State's PIA webpage (<https://www.state.gov/privacy/pias/index.htm>). Respondents may review the System of Records Notice STATE-42, Munitions Control Records on the Department of State's SORN webpage (<https://www.state.gov/system-of-records-notices-privacy-office/>).

11. Are questions of a sensitive nature asked?

No.

12. Describe the hour-time burden and hour-cost burden on the respondent.

The Department of State has reason to believe that the information required is already available to U.S. industry in some form due to other needs and requirements (e.g., business transactional records, tax records, quality assurance and productivity, and legal issues posed by other federal laws). DDTC expects to receive approximately 300 responses each year. The frequency of response is "on occasion." Each response is estimated to take an average of four hours to complete and submit. The estimated annual hour burden is 1,200 hours. According to the U.S. Department of Labor Bureau of Labor Statistics website (www.bls.gov), the average weighted wage for a Compliance Officer¹ is estimated to be \$81.72 per hour (\$40.86 average wage x 2 multiplier). Therefore, the estimated annual burden hour cost to respondents is \$98,064 (1,200 annual burden hours x \$81.72).

13. Describe the monetary burden to respondents.

There is no anticipated monetary burden to respondents.

14. Describe the cost to the Federal Government.

Three DDTC staff members support the processing, analyzing, staffing, and responding to CJ requests. The total cost to the Federal Government as a result of this collection is estimated at approximately \$422,031. This was calculated by taking the average wage of the GS employees² who process CJ requests (GS-13 step 6 \$140,677 x 3 = \$422,031).

15. Describe changes or adjustments to this collection since the previous submission.

DDTC has updated its response to paragraph 12. The estimated number of responses has been lowered to reflect actual receipt of CJ requests.

16. Will data gathered by this collection be published?

DDTC generally publishes the following information from each collection to its website:

¹ Source: Bureau of Labor Statistics; Occupational Employment Statistics, May 2024, <https://www.bls.gov/oes/current/oes131041.htm>

² Source: Office of Personnel Management; General Schedule Pay Table; <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/DCB.aspx>

- Manufacturer of commodity,
- Name of commodity,
- Description of commodity,
- Jurisdiction determination of commodity, and
- Date of determination.

Respondents may request that certain information be withheld from public disclosure via Block 13 of form DS-4076.

17. DDTC will display the collection's expiration date on the form.
18. The Department of State does not seek any exception to the certification statement.

B. Collections of Information Employing Statistical Methods

This collection of information does not employ statistical methods.