

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

GENERAL INSTRUCTIONS

1. “Commodity jurisdiction” (CJ) refers to the procedure described at ITAR § 120.4.
2. “ITAR” refers to the International Traffic in Arms Regulation (22 CFR parts 120-130).
3. “USML” refers to the United States 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.
7. “Jurisdiction” refers to the placement of a commodity (i.e., 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 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 information (ITAR § 120.46) on the form or upload documents containing classified information as part of this submission. Instead, follow Directorate of Defense Trade Controls (DDTC) guidelines for the submission of 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 when requested.
12. Do not state “see attached” in any block, as this may cause a submission to be rejected.
13. Do not provide replies in all caps.
14. All relevant materials and supporting documentation must be filed with the DS-4076 form at the time of submission.
15. Each CJ determination request must 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 and/or services may be exported or temporarily imported concurrent with a commodity jurisdiction submission. However, the filer is strongly encouraged to treat the export as subject to the ITAR and to obtain any required licensing approvals prior to export. Doing so may avoid export violations should the item or service be determined to be subject to the ITAR.
18. For assistance in completing this form, contact the DDTC Response Team at (202) 663-1282 or DDTCResponseTeam@state.gov.

BLOCK 1. FILER INFORMATION

Registered with DDTC If registered with DDTC (see ITAR § 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 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).
- iii. U.S. Government: Select this box if you are a senior official acting on behalf of a U.S. government agency.
- iv. Foreign Government: Select this box if you are a senior official acting on behalf of a foreign government agency.
- 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 CJ determination at the direction of ATF. For these applicants, in the “if other, explain” field, please write, “ATF-directed USMIL permanent import CJ submission.”

BLOCK 1. FILER INFORMATION (continued)

Company or Organization: Enter the legal name of the company or organization 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 company or organization. (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.

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.

POINT OF CONTACT (at least one POC is required)

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 where the point of contact can be reached.

POC E-mail: Enter an e-mail address where the point of contact can be reached.

TECHNICAL POINT OF CONTACT (optional)

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

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 where the point of contact can be reached.

POC E-mail: Enter an e-mail address where 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)

Company or Organization: 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.

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 exporter), or Other-ATF Directed CJ (in which case the third party is ATF))

Company or Organization: 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 Third Party's street address.

Address Line 2: Enter the second line of the Third Party's street address.

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 of where the Third Party is located.

BLOCK 2. CJ DETERMINATION TYPE

CJ Determination Type:	Select “New Submission,” “Resubmission,” or “Related to a U.S. Government request,” as appropriate.						
Prior CJ Case Number:	If CJ Determination Type is Resubmission, provide the CJ number of the previous submission.						
Reason for Resubmission:	If CJ Determination Type is Resubmission, select <table border="0" style="margin-left: 40px;"> <tr> <td>Returned Without Action (RWA):</td> <td>If the original commodity jurisdiction was “Returned Without Action.”</td> </tr> <tr> <td>Reconsideration – additional information proved:</td> <td>If the filer wishes to provide additional information that may change the outcome of the previous jurisdiction determination.”</td> </tr> <tr> <td>Redesignation of article or service currently covered by USML:</td> <td>If the filer has received a previous determination and seeks a USML reclassification.</td> </tr> </table>	Returned Without Action (RWA):	If the original commodity jurisdiction was “Returned Without Action.”	Reconsideration – additional information proved:	If the filer wishes to provide additional information that may change the outcome of the previous jurisdiction determination.”	Redesignation of article or service currently covered by USML:	If the filer has received a previous determination and seeks a USML reclassification.
Returned Without Action (RWA):	If the original commodity jurisdiction was “Returned Without Action.”						
Reconsideration – additional information proved:	If the filer wishes to provide additional information that may change the outcome of the previous jurisdiction determination.”						
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 CJ Determination Type is Resubmission, provide a concise description of the reason for resubmission.						
Disclosure/Case #:	If CJ Determination Type is Related to a U.S. Government Request and is related to a disclosure, provide the case number.						
USG Agency Requested:	If CJ Determination Type is Related to a U.S. Government Request, provide the name of the requesting U.S. Government Agency. For filers seeking a CJ determination at the direction of ATF, 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

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 where the point of contact may be reached.
POC E-mail:	Enter an e-mail address where the point of contact may 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 § 120.45(a)).
Component/Major:	An item that is useful only when used in connection 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 § 120.45(b)).

Component/Minor:	An item that is useful only when used in connection with an end-item (includes any assembled element of a major component (see ITAR § 120.45(b)).
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 § 120.45(d)).
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 § 120.45(c)).
Firmware:	Includes but is not limited to circuits into which software has been programmed (see ITAR § 120.45(e)).
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 § 120.45(f)).
System:	A combination of parts, components, accessories, attachments, firmware, software, equipment, or end-items that operate together to perform a function (see ITAR § 120.45(g)).
Service:	The furnishing of assistance, training, technical information (see ITAR § 120.9).
Information:	Undefined by the ITAR, but, for reference, see ITAR § 120.10.
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 (at least one is required)

Section a.

Product Name:	Provide information in text field.
Generic Description:	Provide information in text field.
Model and Version: Number	Provide information in text field.
Part Number:	Provide information in text field.

Section b.

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 used.

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 OS used.
Percentage of High Level Code and Machine Code:	Provide an accurate percentage.
Intended purpose of the software and possible/likely product 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.

Are identical or comparable products available through foreign or domestic, commercial or government resources?: Provide answer in text field.

Does the product or any of its components perform information security functions?: Provide answer in text field.

BLOCK 6. SPECIAL/UNIQUE CHARACTERISTICS AND CAPABILITIES

Ballistic Protection: Provide a detailed description of the ballistic protection (e.g., NIJ Type III).

Chemical, Biological Weapon: Provide a detailed description.

Civil Applications: Provide a detailed description.

Hard Points: Provide a detailed description.

Intelligence Applications: Provide a detailed description.

Low Observable/Counter-Low Observable: Provide a detailed description.

Military Applications: Provide a detailed description.

Radiation Hardened: Provide a detailed description.

Surveillance or Intelligence Gathering Capability: Provide a detailed description.

Space Applications: Provide a detailed description.

TEMPEST Capability: Provide a detailed description.

Thermal or Infrared Signature Reduction Capability: Provide a detailed description.

Other: Provide a detailed description.

BLOCK 7. COMMODITY ORIGIN

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 used.

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, in particular paragraphs (a), (b)(4), and (b)(5); Note 2 to paragraph (b)(3); and Notes 1 and 2 to paragraphs (b)(4) and (5).

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, in particular paragraphs (a), (b)(4), (b)(5); Note 2 to paragraph (b)(3); and Notes 1 and 2 to paragraphs (b)(4) and (5).

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, in particular paragraphs (a) and (b)(4); Note 2 to paragraph (b)(3); Notes 1 and 2 to paragraphs (b)(4) and (5); and Note to paragraph (b).

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, in particular paragraphs (a) and (b)(4); Note 2 to paragraph (b)(3); and Notes 1 and 2 to paragraphs (b)(4) and (5).

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, in particular paragraphs (a) and (b)(2).

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, in particular paragraph (b)(3), Note to paragraph (b), and Notes 1, 2, 3, 4, and 5 to paragraph (b)(3).

Same Function?:

Select "Yes," "No," or "Unknown."

Same performance capabilities?:

Select "Yes," "No," or "Unknown."

Same or equivalent form and fit?:

Select "Yes," "No," or "Unknown."

Are identical or comparable products 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. PRODUCT DEVELOPMENT STAGE

What is the current stage of product development for this item?:

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.
Suggested USML category:	If applicable, provide the USML category that appears to best match the item under review.
Suggested 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 § 121.1(b)).

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.
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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:

Documentation from the manufacturer authorizing the Representative 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 filer type is Manufacturer, Exporter or Manufacturer's Representative:

Documentation from the manufacturer authorizing the Exporter or Representative 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 identical or comparable products are available:

Attach documentation on "like" commodity.

If funding history is U.S. Government:

Attach a copy of the Contract or Statement of Work.

If yes, 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.

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 or may not be controlled under the United States 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 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 jurisdiction and classification of commodities. 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.