



U.S. Department of State  
Directorate of Defense Trade Controls



## Guidance for USPAB Authorization Requests (Revision 1.0)

In order to assist industry, DDTC is providing more comprehensive guidance for submissions of requests to authorize exports of defense services by U.S. Persons Abroad. Exporters may also wish to consult the FAQs on “Defense Services and U.S. Persons Abroad” that are published on the DDTC website.

### CONTENTS

- Part 1 – General Guidance
- Part 2 – Submission Requirements
- Part 3 – Submission Letter Guidance
- Part 4 – DS-6004 Instructions

### PART 1 – GENERAL GUIDANCE

#### U.S. Person Abroad

A U.S. Person Abroad (USPAB) is an individual U.S. person (as defined in ITAR § 120.62) who resides overseas, works for a foreign employer, and provides defense services as defined in ITAR § 120.32(a)(1) and/or (3) to their employer or other foreign parties. All USPABs require DDTC authorization prior to furnishing defense services to any foreign person.

The USPAB is the **applicant** of a USPAB authorization request because the USPAB is the U.S. person furnishing defense services to a foreign person. The USPAB’s employer is the foreign end-user as the recipient of the defense services. Wherever the word **applicant** is used throughout this guidance, it refers to the USPAB.

#### Defense Service Recipients

A USPAB license authorizes a USPAB to furnish defense services to his or her foreign employer. It may also authorize a USPAB to furnish defense services to other foreign persons (as defined in ITAR § 120.63) on behalf of his or her employer. These third parties may include actual or potential customers, or other foreign entities with whom the USPAB may work directly.

Authorization is required to furnish defense services directly to foreign persons. DDTC may authorize USPABs to furnish defense services to third parties when those foreign parties are specifically identified in an application as recipients of defense services. USPABs are not authorized to furnish defense services to foreign persons that are not specifically identified in the relevant authorization.



## U.S. Department of State Directorate of Defense Trade Controls



All USPAB authorizations include the following proviso:

“This approval authorizes you to furnish defense services to your foreign employer and the foreign parties specifically identified in your application as needing to receive defense services from you. Should you need to furnish defense services to any other foreign parties, you must submit another request that specifically identifies these parties as recipients of defense services.”

### **Limitations**

USPAB authorizations are limited to the provision of defense services described in ITAR §§ 120.32(a)(1) and (3). A USPAB authorization does NOT allow for the export of defense articles or the transfer of ITAR-controlled technical data. Such transfers require a separate DDTC authorization.

All USPAB authorizations will include the following proviso:

“This approval does not authorize you to transfer ITAR-controlled technical data (as defined in 22 CFR 120.33). Any ITAR-controlled technical data used in connection with the activities authorized by this license must be the subject of a separate Department authorization.”

This proviso does not preclude a USPAB from working with ITAR-controlled technical data that was lawfully exported to their employer under the conditions of an export authorization from DDTC.

### **Issuance of a USPAB Authorization**

Although your application is submitted and tracked via a Form DS-6004, the DS-6004 license associated with your request will NOT serve as your authorization. The authorization, to include any limitations and provisos, will be sent to the applicant via email in letter format.

### **Sharing the Authorization with a Foreign Employer**

DDTC will send the authorization only to the applicant. A copy will not be sent to the applicant’s foreign employer or to any other third party, to include U.S. third parties. The ITAR does not require applicants to share a copy of their export authorizations with foreign end-users, which would include a foreign employer in the case of USPABs. That being said, an applicant may share his or her authorization with foreign end-users so long as such dissemination is not restricted by proviso. If a USPAB authorization contains provisos restricting dissemination, applicants may only share a redacted version of that authorization that removes the provisos in question.



U.S. Department of State  
**Directorate of Defense Trade Controls**



## **PART 2 – SUBMISSION REQUIREMENTS**

### **Elements of a USPAB Authorization Request**

In order to facilitate the most expeditious review of a USPAB authorization request, submit the Form DS-6004 via the Defense Export Control and Compliance System (DECCS) (<https://deccs.pmddtc.state.gov/deccs>).<sup>1</sup> Applicants do not need to be registered with DDTC in order to use DECCS to submit a DS-6004.

A USPAB authorization request consists of the following elements:

- Form DS-6004
- Submission letter
- Resume
- Detailed job description (if not included in the submission letter)
- ITAR § 126.13(a) certification
- Other supporting documentation

### **ITAR § 126.13(a) Certification**

In accordance with ITAR § 126.13(a), “all requests for other written authorizations ... must include a letter signed by a responsible official empowered by the applicant” that certifies to the conditions of ITAR § 126.13(a). Since the applicant of a USPAB request is an individual (the U.S. person) and not a company or other entity, DDTC requires the USPAB to personally complete the ITAR § 126.13(a) certification. Certification can be submitted in one of two ways.

- 1) If the applicant is personally submitting the DS-6004, they may certify to the conditions on the form itself.
- 2) If the DS-6004 is being submitted on behalf of the applicant by a third party, a separate certification letter signed by the applicant is required. A template for the ITAR § 126.13(a) certification letter can be found on the DDTC website. ([https://www.pmddtc.state.gov/ddtc\\_public?id=ddtc\\_kb\\_article\\_page&sys\\_id=f9ccf e96dbb4130044f9ff621f961929](https://www.pmddtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=f9ccf e96dbb4130044f9ff621f961929))

### **Applications Facilitated by a Third Party**

If an applicant chooses to have a third party, such as a prospective employer, a U.S. affiliate

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<sup>1</sup> If DDTC receives a USPAB authorization requests in hard copy, it will manually enter the request into the DECCS system which will add additional processing time and may require the applicant to verify the accuracy of the information.



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**U.S. Department of State  
Directorate of Defense Trade Controls**

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of the employer, or an attorney, facilitate a USPAB application, the applicant must grant that party authorization to communicate with DDTC on his or her behalf. See Section V of the submission letter guidance in Part 3 below. Note that using a third party does NOT relieve the applicant of his or her responsibilities under the ITAR.

**Supporting Documentation**

Applicants may submit any additional documentation they feel will assist reviewers in adjudicating their case. However, these documents will serve as a **supplement** to the application; they do not replace the submission letter. Please include all the requested information in the submission letter. See the guidance in Part 3 below.



U.S. Department of State  
Directorate of Defense Trade Controls



## PART 3 – SUBMISSION LETTER

This section provides guidance on preparing the submission letter and should be used in conjunction with the template provided on the DDTC website. ([https://www.pmdrtc.state.gov/ddtc\\_public?id=ddtc\\_kb\\_article\\_page&sys\\_id=f9ccfe96dbb4130044f9ff621f961929](https://www.pmdrtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=f9ccfe96dbb4130044f9ff621f961929))

The applicant **MUST SIGN** the submission letter. This applies even if a third party prepares the letter on behalf of the applicant. If the letter does not contain the applicant's signature, the request will be returned without action.

### Summary Paragraph of Introduction

For the introductory paragraphs, DDTC recommends that you follow the language in the template, leaving details for the body of the letter. Include the bracketed clause in the second sentence, “[and the other foreign entities listed in this application],” only if you will be providing defense services to more than one foreign party.

As a reminder, a USFAB license authorizes the furnishing of only those defense services described in ITAR § 120.32(a)(1) or (3). If the applicant needs to transfer ITAR-controlled defense articles, including technical data, a separate authorization from DDTC is required.

### Section I – Contact Information

Provide the following information:

- Applicant's full legal name
- Applicant's residential address abroad
- Applicant's email address
- Applicant's phone number

**IMPORTANT:** DDTC will primarily contact the applicant via email. DDTC also will issue authorization decisions via email. Therefore, it is important that the applicants provide a good email address where they can be reached. Note that failure to promptly respond to a communication may result in the request being **Returned Without Action (RWA)**.

It is highly recommended that applicants add the @state.gov domain to their “safe senders” list to avoid communications going to junkmail. Applicants should also check their junk mail folder frequently to ensure they have not missed a communication.

### Section II – Scope of Request

A. Provide a description of the defense services to be provided. While you may include language from your job description or your statement of work, **be sure to tie your work back to one or more of the defense services** as defined in ITAR § 120.32(a)(1) or (3).



## U.S. Department of State Directorate of Defense Trade Controls



**Bold** the defense services as this will assist the technical reviewers.

Examples:

- “I will be furnishing assistance in the **design, development, and maintenance** of the XXX defense article. As the project engineer, I will be ...”
- “I will be **training** the Country X Air Force in the use of ....”

Be as descriptive as possible. Statements such as “I will be furnishing assistance in the **development** of software for defense articles” and “I will provide **maintenance** support for the navigation systems of German army vehicles” are insufficient. Describe the applicant’s technical role, the defense article, the program (if applicable), and the end use platform (if applicable). If the information provided inadequately describes the technical scope of work, the request may be Returned Without Action (RWA).

Examples:

- “As the project engineer, I will be overseeing the development of the XYZ radar software, to include coding and the review and analysis of test results. I am also responsible for troubleshooting and resolving radar software problems for our customers. Furthermore ... ”
- “I will be working on the XX-1234 navigation system, which is used on the ABC and XYZ ground transport vehicles used by the German army. My job entails ...”

B. Provide a statement that identifies the USML defense service category that relates to the defense articles for which defense services will be provided. For example, if the USPAB will be working with fire control systems which are described in USML Category XII(a), list Category XII(f) for defense services related to USML Category XII(a) fire control systems. You may need to list multiple defense service categories if the work spans multiple USML categories.

Example: “The defense services I will provide are classified under USML Category **XII(f)**.”

C. Include a statement that the applicant will not export defense articles or transfer ITAR-controlled technical data without a separate authorization (see the template for recommended wording). As a reminder, a USPAB license authorizes the furnishing of only those defense services described in ITAR § 120.32(a)(1) or (3). If the applicant needs to transfer ITAR-controlled defense articles, including technical data, separate authorization from DDTC is required.

### Section III – Relevant U.S. Experience

Provide a full description of the applicant’s U.S. education or experience related to defense



## U.S. Department of State Directorate of Defense Trade Controls



articles described on the USML. This may include, but is not limited to, employment with a U.S. defense contractor or experience gained while serving in the U.S. armed forces.

Be as descriptive as possible as this will assist reviewers in assessing the submission. Failure to provide an adequate description may result in a return without action (RWA), an approval with more stringent provisos, or a denial of the request.

If the applicant has no relevant U.S. education or experience, include the following statement:

“I have no U.S. education or experience related to USML defense articles.”

Note: Some space-related technologies are controlled under the USML, meaning an applicant may have relevant experience even if he or she has never worked for the U.S. Government or a defense contractor. For example, space launch vehicles capable of reaching orbit are controlled under USML Category XV(a), meaning that if the applicant worked for a commercial space launch company, he or she may have relevant USML experience.

### **Section IV – Recipients of Defense Services**

Provide a list of the foreign parties that will receive defense services from the applicant. Provide the name and full physical address for each foreign entity. If the list is extensive, you may include them in an attachment.

### **Section V – Applicant Information**

#### **A. U.S. Person Status (as defined in ITAR § 120.62)**

Describe how the applicant meets the definition of a U.S. person. In most instances, a U.S. person is a U.S. citizen or a U.S. permanent resident.

#### **B. Years of Residency**

Provide a brief description of any periods of the applicant’s residency in the U.S.

### **Section VI – Statement of Understanding**

Provide a statement where the applicant acknowledges his or her responsibilities under the authorization, if approved (see the template for suggested wording).



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**U.S. Department of State  
Directorate of Defense Trade Controls**

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## **Section VII – Appointing a Third Party POC**

If the applicant will use a third party to assist with the application process, include the following statement:

“I, (applicant name), authorize DDTC to contact (designee name) with any questions related to my application. I acknowledge that I have read through this application and all the information contained herein is true and correct.”





U.S. Department of State  
Directorate of Defense Trade Controls



**PART 4 – DS-6004 INSTRUCTIONS**

**Block 1. Transaction ID.** Leave blank.

**Block 2:**

**DDTC Registration Code.** If the individual USPAB applicant has a DDTC registration code, enter it here. Otherwise, leave this field blank. DO NOT enter a company registration code.

**Applicant Information.** Enter the applicant’s information.

**Attention.** If the applicant is being assisted in preparing the application, enter the third party POC information here. Otherwise, enter “Self.”

**Block 3. Previous authorizations.** If the applicant has previously sought a USPAB authorization, enter the authorization number here. Otherwise, leave blank.

**Block 4. 123.9(c).** Select “Other.”

**Block 5:**

**Quantity.** Enter “1.”

**Commodity Description.** Enter a description for each USML category for which the applicant will furnish defense services. For example, if the applicant will be working with fire control systems, enter “Defense services associated with items classified in USML Category XII.” Applicants may enter more than one category.

**USML Category.** Enter the defense services USML categories related to the defense articles for which defense services will be furnished. For example, for defense services related to fire control systems, enter “XII(f).”

**Value.** Enter “\$1.”

**Block 7. Entities.** Enter the name and physical address (no P.O. boxes) of each entity that will receive defense services from the applicant. For party type, select “end-user.”

**Block 8. New End Use.** Type “N/A.”

**Block 9. New Country of Ultimate Destination.** Enter the country of your foreign employer.



U.S. Department of State  
**Directorate of Defense Trade Controls**



**Block 10:**

**Applicant's Statement.** If the applicant is preparing the DS-6004 him or herself, enter the applicant's name and complete the 22 CFR 126.13 certification. If the DS-6004 is being prepared by a third party, the applicant must submit a separate letter certifying to the conditions of 22 CFR 126.13.

**Compliance with 22 CFR 130.** Select "This transaction does not meet the requirements of 22 CFR 130.2."