

# How to Fill Complete the New DS-4076 Form: FAQs

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## **1. Why has the DS-4076 been updated?**

The DS-4076 has been updated in order to conform with the recent and on-going changes in the ITAR. It also is a more streamlined format and now more user friendly with clearer and more comprehensive instructions.

## **2. What is new?**

No new information is to be collected; however, the new version has been modified to be more user-friendly. It includes clearer and more comprehensive instructions. The structure is smarter, cleaner, and more intuitive. It also incorporates changes in the regulations due to Export Control Reform.

## **3. Do I have to fill out all the fields?**

Only fields marked with an asterisk (\*) are required, but please fill out all the fields that are relevant to your request.

## **4. What if it's a required field but it is not applicable to my request?**

If it is a required question but is not relevant to you or your product, please put N/A in the text field.

## **5. The directions state that a cover letter is required, is that true?**

Yes, a cover letter should be submitted with every CJ request. This should provide a short executive summary of your request and put the request in a broader context.

## **6. Why do we need to submit both a cover letter and the DS-4076?**

The DS-4076 covers the specifics of your commodity and how it relates to the regulations. Your cover letter should be a summary of your commodity and the broader context in which it is used. You can also use your cover letter to flesh out points addressed in the DS-4076 and also to focus on more specific issues that may not be captured on the DS-4076. It should also include a concise overview of all your supporting material and why each document has been submitted as supporting material for your application.

## **7. What if I have classified materials to submit?**

Please contact the DDTTC Response Team for the procedure to submit classified materials. No classified materials can be submitted electronically on the DS-4076 form or attachments to the application.

## **8. There is a mention of an authorization letter template in the instructions for Block 1. Where can I find it?**

It can be found on the DDTTC website at this link:

[http://pmddtc.state.gov/commodity\\_jurisdiction/documents/AuthorizationLetter.pdf](http://pmddtc.state.gov/commodity_jurisdiction/documents/AuthorizationLetter.pdf)

**9. What if the original equipment manufacturer (OEM) no longer exists or will not give authorization for a CJ request?**

Please submit your request with an attached letter explaining why you could not get the authorization letter from the original equipment manufacturer. DDTC will determine on a case-by-case basis whether applications without an OEM authorization letter can be processed.

**10. In Block 1, what is the difference between point of contact and technical point of contact?**

The point of contact should be someone in your organization who is authorized and can answer questions related to your CJ request. The technical point of contact should be someone in the organization who is authorized to answer technical questions about the commodity that is the subject of the CJ request. The point of contact and the technical point of contact may or may not be the same individual.

**11. In Block 2, my request is related to a DDTC voluntary disclosure, but I no longer see “related to a compliance matter.” What box do I check?**

Please check “related to a USG request.” When you check this option, a text box will appear allowing you to identify the related voluntary disclosure.

**12. I don’t understand the options in Block 3.**

Please refer to the instructions for the DS-4076, which will give you a clear definition for each item.

**13. In Block 3, can I select multiple commodity/service options?**

Yes. However, be sure to provide supporting documentation for all of the items indicated. For example, if you select “System” and “Services,” be sure to specify the precise services envisioned in connection with the system, including separate marketing brochures, sales information, etc. The jurisdiction for a piece of hardware, and then the services, software or technical data associated with that hardware, may be different. Please be sure to clarify how such related items are interconnected, and provide supporting documentation for all.

**14. In Block 5 of the old DS-4076 (now Block 4), the directions indicated you should list only one item per application. Why do you now allow submission of multiple items in a single CJ?**

CJ applications are still limited to a single item or set of related (i.e., “family”) items. However, DDTC is now allowing the scope of CJ submissions to include a review of hardware, firmware, software, as well as services for a given article. Please see the answer to FAQ #13.

When submitting a request for a family of items, please highlight the distinctions between and among each item within the family. To be clear, you cannot submit a single CJ submission for two unrelated items. This will cause your application to be returned without action (RWA).

**15. Why is a part number required in Block 4? Doesn’t this prevent applicants from submitting CJs for families of items?**

This field is required if there is a part number associated with the item. If you are submitting a CJ for a family of items, you can put N/A in the part number field or, for example, “multiple,” “many,” etc.

**16. Is all information in Block 4 available for publication?**

Yes, however, your responses in Block 4 are the only information from the DS-4076 that are to be posted on the DDTC website. Please note, if you do not fill out Block 13, we will assume that all the information in Block 4 is suitable for publication. As such, we highly recommend you read and review Block 13 carefully.

**17. Block 8 asks for my product's development stage. What are you looking for in each section?**

We need to gain a clear understanding of where your product stands in the development/production process. Are you still in R&D, just starting to market a new product, or do you already have sales? Pick the category that best fits. If you believe that none of them fits, select "Other" and explain. If you pick one category but you believe your situation still needs further clarification, add that explanation to your cover letter.

**18. Based on previous guidance for sales information, I thought I needed to include all sales for my product. Now the instructions indicate that I only need to cover the past 5 years. Which is correct?**

We are currently only asking for the last 5 years of sales. If you wish to provide additional sales information, either do so in the text field provided or put that information in your cover letter. Domestic sales should be included as part of the submission.

Please note, the analyst may ask for additional sales information if needed.

**19. If end-use does not determine jurisdiction, why do you ask for sales information?**

End-use does not determine jurisdiction. However, in order to determine the correct jurisdiction and classification of your item, end-use is important for releases from "Specially Designed" and in categories that specify "military end-user." It can also help determine which government agencies may need to review your CJ request.

**20. In Block 11, you ask for Foreign Military Sales (FMS) information and a license number, but we don't need a DDTC license for FMS cases. What information are you looking for in this section?**

Please provide any FMS Letter of Offer and Acceptance number in Block 11.

**21. In Block 12, why do you need me to explain why I'm submitting a CJ application?**

The feedback you provide us via Block 12 is one of our primary means of gauging the clarity of the existing regulations. We wish to understand any difficulties you may have encountered in the process so that we can fold improvements into the rule-making process.

**22. Block 12 asks for the suggested USML and CCL categories. If I put a USML category down as suggested, will you be more likely to determine that my item is USML? And conversely, if I only list a CCL category, does that mean that you are more likely to determine that my item is CCL?**

While listing one or both is unlikely to directly influence the outcome of a CJ determination review, it nevertheless helps us understand your perspective and may serve to highlight a particular aspect of your product that is not readily clear. For example, if you were to cite a specific ECCN for a product that had not been initially considered by our analysts, there is a distinct possibility that a particular attribute or characteristic of your product may have been overlooked for one or more reasons.

**23. Block 13 does not apply to my application as no items are proprietary in Block 4.**

If that is the case, please write N/A in the answer for Block 13. Note that if you write N/A, you are agreeing that the information in Block 4 can be released to the public through the DDTC website.

**24. What do you expect to see in Block 14?**

Please provide any additional information that you think was not fully elicited in the rest of the application. If there is other information you would like DDTC to consider, please submit it in Block 14.

**25. Who receives the final determination letter?**

The final letter will be sent to the email address provided in Block 15 and any others requested on the DS-4076 application.