

GUIDELINES FOR PREPARING COMMODITY JURISDICTION (CJ) REQUESTS

Purpose: The purpose of a commodity jurisdiction request is to determine whether an item or service is covered by the U.S. Munitions List (USML) and therefore subject to export controls administered by the U.S. Department of State pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations (ITAR). If after reviewing the USML and other relevant parts of the ITAR, in particular ITAR §120.3 and §120.4, you are unsure of the export jurisdiction of an item or service, you should request a CJ determination. A CJ request may also be used for consideration of the re-designation of an item or service currently covered by the USML, which could result in the item or service being moved to the licensing jurisdiction of the Department of Commerce. You need not be registered with the Directorate of Defense Trade Controls (DDTC) as a manufacturer of defense articles or an exporter of defense articles and/or services to request a CJ determination. It is preferable that the manufacturer file the application. However, if you are not the manufacturer of the item for which you seek a CJ determination, we recommend that you coordinate with the manufacturer to obtain the information necessary for the CJ request as well as a letter of authorization from them. A response from DDTC to a CJ request determines the proper licensing authority for an item or service. It is not a license or approval to export. If you want to export your item or perform services while the CJ determination is in the review process, you must be registered and obtain the appropriate approval from DDTC prior to export. Please check the DDTC web site (www.pmddtc.state.gov) for information on registration and licensing.

CJ Process: A CJ request should be submitted to DDTC in the form of a letter and supporting documents (1 original and 8 copies). Once received, the request is assigned a CJ number; a letter informing you of this will be sent within two weeks of our receiving your CJ request. Copies of the request are sent to the appropriate U.S. Government agencies for review. To avoid your request being Returned Without Action (RWA) and to prevent delays in the interagency coordination process, we ask that you provide in your submission **all** the information requested. This information must be provided in **nine complete sets** including:

- Cover letter that includes the information described below.
- Supporting documentation including sales data.
- If you are acting on another's behalf, letter from the other party authorizing you to act on their behalf.

After the necessary technical and policy reviews, other relevant agencies provide their recommendations regarding the appropriate export control jurisdiction to DDTC. DDTC considers the interagency recommendations in reaching a final decision, of which you will be notified by letter. **NOTE:** It is not appropriate to submit your entire product catalog for determination at one time. DDTC will only make CJ determinations on an item-by-item basis.

Preparing a CJ Package: Use the following guidelines in preparing the CJ letter and supporting documentation.

1. **Subject Line** – On the subject line, identify the letter as a “Commodity Jurisdiction Request for [state the item and/or service].” Be as specific as possible in identifying the item (including the name of the item, the manufacturer, the model and/or part numbers) and/or service. If the request is for reconsideration of a previous CJ case number, cite that CJ number. If you are registered with DDTC as a manufacturer and/or exporter of defense articles or defense services, include your DDTC Applicant Code below the subject line.
2. **Description** – State what the item is, what it is a component of, what it does, how it works, and any other information that explains the item. If the CJ is for a service, provide comparable information that explains the service.
3. **Origin of Commodity** – State what the item was originally designed for and why the item was developed. State whether the item was developed, designed or modified specifically for military use, for commercial use, or both military and commercial use. Give examples of the uses for which it was developed, designed or modified. State whether or not the item was developed for any U.S. Government agency or with any U.S. Government funding. If funded by the U.S. Government, identify the agency that provided the funding and the type of funding that was provided. A brief product history is essential. If the CJ is for a service, provide comparable information that explains the service.
4. **Current Use** – Describe all current uses of the item and state whether or not the uses have changed significantly over time. Include only what the item “is used for,” rather than what it “can be used for.” Military and commercial sales data must be provided, as well as a listing of the military and commercial customers. Only sales data on the specific item for which the CJ determination is sought are germane. We recommend that this information be provided in a chart or matrix. If the CJ is for a service, provide comparable information that explains the service.
5. **Special Characteristics** – State any military standards or military specifications that the item is designed to meet. Describe any special characteristics of the item, e.g., radiation-hardening, ballistic protection, hard points, TEMPEST capability, thermal or infrared signature reduction capability, and surveillance or intelligence gathering capability. If the item uses image intensification tubes, give the level of technology (Gen II, Gen III, etc.). If the item is a commercial item modified for military applications, we recommend that you designate a new nomenclature and model number in order to differentiate this item from the commercial product line. Be sure to specify the distinct differences between the product after it was modified or adapted for a military application and the original commercial product before changes were made. If the CJ is for a service, provide comparable information that explains the service.

6. **Other information and attachments** – Provide any other relevant information in the letter that would be helpful in making a jurisdictional determination. Include any brochure, specification sheet, marketing literature, technical data, or any other document that will assist in the determination.

Submitting the Request to DDTC: When sending your CJ request package to DDTC please use the following addresses:

Regular Mail

PM/DDTC, SA-1, Room 1200
Directorate of Defense Trade Controls
Bureau of Political Military Affairs
U.S. Department of State
Washington, DC 20522-0112

Express Mail/Major Delivery Service

U.S. Department of State
Directorate of Defense Trade Controls
PM/DDTC, SA-1, Room 1200
2401 E Street, NW
Washington, DC 20037

Please specify on the package “ATTN: CJ REQUEST.” Please check the DDTC web site for in-person delivery procedures.

Processing Time: Processing times vary depending on the complexity of the case. CJ requests normally take less than 65 business days (95 calendar days) to complete. This includes the time it takes for initial review, interagency coordination, receipt of all interagency recommendations, resolution of any conflicting agency recommendations, completion of the internal review process, and preparation of the response letter.

Status: To obtain the status of your CJ request, contact DDTC’s Response Team at DDTCResponseTeam@state.gov or (202) 663-1282. If you are registered with DDTC, you can review the status of your submission via Ellie Net on the DDTC web site using your DDTC Applicant Code.

Requests for Reconsideration: You may request reconsideration of a CJ determination, e.g. on the basis of additional information or a change in the export regulations which appears to cause a transfer of jurisdiction. The format for a reconsideration request is identical to an original CJ request. You should include the previous CJ reference number and explain the reasons why the previous CJ determination should be reconsidered.

Points of Contact:

CJ Analysts: Mary Ann Rashid, (202) 663-2992
Sherri Colbert (202) 663-2911

DDTC Response Team (for procedural or ITAR questions) - Tel: (202) 663-1282
Fax: (202) 261-8199, and E-mail: DDTCResponseTeam@state.gov