# Instructions/Guidelines for REQUEST FOR RECONSIDERATION OF UNCLASSIFIED PROVISO(S) Form DS-6003

The Form DS-6003 is used to request reconsideration of UNCLASSIFIED proviso(s) placed on Directorate of Defense Trade Controls *(DDTC)* approvals for export *(permanent, temporary, and in-transit)* of defense articles, as authorized on Forms DSP-5, DSP-61, DSP-73 and DSP-85. The proviso(s)/conditions of approval must be UNCLASSIFIED; and the request for reconsideration must be submitted within 120 days of the date of the DDTC approval.

Prior to submitting your request you should determine that:

- Your DDTC registration has not expired.
- Required documentation is available for submission with your request *(i.e., copy of the license with proviso(s) that is the subject of this request).*
  The eligibility requirement of ITAR sections 120.1(c) and 126.13 can be satisfied. If they cannot be satisfied, you are not eligible to make this request without a transaction exception.

You will be asked to identify the document submitted with your request. The types of documents are:
  a) copy of the license with DDTC proviso(s)
  b) amplifying documentation

General Instructions:

1. The modification of several types of provisos will NOT be considered. They include the following:

- Extension of the validity of the license/approval *(e.g., firearms licenses)*
- Request for DSP-83
- Request for Safeguard/Technology Control Plans
- Change to provisos on spare parts licenses *(e.g., limitation of minor components, no SME, no upgrades/enhancements, and requirements that the parts support equipment be in the receiving country's inventory).*

2. All blocks with an asterisk must be completed. The remaining blocks, while not mandatory, provide information that will assist in reviewing your request. In addition, failure to provide information that is essential to the review may be a regulatory violation.

3. Only one license and three (3) provisos may be the subject of a DS-6003 request. However, please note that provisions have been made in Block 9f to note instances when the same proviso(s) has been applied to more than one license. Providing information on other submissions will permit the U.S. Government, when deemed appropriate, to reconsider all the licenses and provisos at the same time.

4. CLASSIFIED DOCUMENTATION: **NO** Classified documentation may be transmitted electronically. If classified documentation is required to support your transaction, the applicant should note in the submission that classified documentation is being transmitted under separate cover with a hard copy of the electronic submission.

5. CLASSIFIED PROVISO(S)/CONDITIONS OF APPROVAL: Any request for reconsideration of U.S. Government classified provisos must, until further notice, be submitted by letter to ensure proper handling of the classified information.

Specific Instructions/Guidelines:

*Block 1. Date Prepared. When submitting electronically, the date the application is prepared is automatically entered *(mm-dd-yyyy)*. It is updated each time the application is opened until submission to DDTC at which time the application must be digitally signed.

*Block 2. DDTC Applicant/Registrant Code. Enter your DDTC applicant/registrant code number, including the pre-fix letter "M" if applicant is a manufacturer and/or exporter. Only the last four/five digits of this number are unique to your company. The numbers preceding the dash are the month and year that your registration *(e.g., if you are a manufacturer with a code of 1208-12345, your unique registration code is M12345 expiring on December 2008).* Ensure that your registration is valid and that the code used is the same as the code on the approved license.

*Block 3.  Applicant's Name, Address, ZIP Code and Telephone number.  When submitting by paper, the first line must reflect name under which company is registered.  Subsequent lines may identify a specific subsidiary of the applicant company.  When submitting electronically, if a subsidiary is involved select subsidiary box and provide information.  Use the address at which the applicant is located, DO NOT USE Post Office Box numbers.  The names in this block should be identical to those on the approved license.

*Block 4.  DDTC type of approval being amended.  When submitting electronically, select the license/agreement type from the pick list *(e.g., DSP-5, DSP-61, DSP-73, DSP-85, Agreements (MLA/TAA)).*

*Block 5.  DDTC Approval Number.  Provide the license/agreement number that is the subject of your request for reconsideration.  You may provide only one license/agreement number.  Should the same proviso(s) appear on other licenses/agreements that you wish to have reconsidered, they must be the subject of a separate request.

*Block 6.  Date of DDTC approval letter.  Provide *(mm-dd-yyyy)*.

Block 7. Name, agency and telephone number of U.S. Government personnel familiar with this request.  Check one or more of the appropriate boxes.  The individual shown in this field must be an employee of an appropriate agency.  For example, if the proviso was discussed with an employee of DoD provide the military service, name of the individual and phone/fax number.  In any instance that the proviso was discussed with a DDTC licensing officer, provide the name of the DDTC officer.  Be sure to provide in Block 9 information regarding these discussions.


Block 8. Name and telephone number of applicant contact.  List individual(s) familiar with this transaction who can respond to DDTC staff or other government agencies.  The individual(s) should be prepared to answer procedural and/or technical questions.  You may list more than one individual.  Please do not list an individual who is not familiar with the transaction and thus unable to respond.  DO NOT list U.S. Government personnel.

*Block 9.  List Proviso(s) for Reconsideration.  All questions in Block 9 must be completed, except for 9(f).

*Block 9(a).  Type of Action Requested.  There are three types of actions DDTC will take *(i.e., clarification, amendment, or deletion of the proviso identified in 9(c )).*  Select from the menu the intent of the reconsideration.  The type of action may change with each proviso that is requested for reconsideration.

*Block 9(b).  Proviso number from approval.  The proviso number is the number in the DDTC letter.  CAUTION: When working with other U.S. Government agencies ensure that you are referencing the DDTC proviso number not the number that was in the reviewing agency recommendation provided to DDTC.  References to other government numbers may result in your submission being a Returned Without Action.  Absent a proper reference, DDTC will not presume to understand which proviso(s) you intended for reconsideration.

*Block 9(c).  Original text from DDTC letter.  The text provided in this block must be the identical/verbatim language in the DDTC letter.

*Block 9(d).  Rationale for reconsideration.  Articulate the rationale clearly and briefly.  Be concise.  Include any discussions that may have occurred with any government agency and identify any government POC in Block 7  that will assist in the U.S. Government review.

Block 9(e).  Suggested Rewrite.  When requesting an amendment or clarification of a DDTC proviso, the applicant may suggest to DDTC language that they believe would provide the clarification or serve as amended language.  However, when the applicant elects to provide language, the rationale in Block 9(d) must support the recommended change.


*Block 9(f).  Are there other reconsideration request(s) currently pending for the same issue(s)?  Select yes or no.  If yes, provide the DDTC approval number (e.g., license/agreement number) that is the subject of the other request(s).  The intent of this block is to permit the U.S. Government to reconsider, when deemed appropriate, several DDTC approvals with the same proviso(s). However, the applicant should only ask that the government group the requests for reconsideration when the commodity and the proviso are identical.  The application should also take into consideration that any grouping of requests for export to different foreign countries, end users and end uses could increase the time for the U.S. Government review and result in different determinations.

*Block 10.  Applicant Statement.  For electronic submissions type the name of the individual who will digitally sign the request and check the boxes that apply.

NOTE:  The individual whose name is in this field must be an ITAR empowered official *(see ITAR Section 120.25)*.  Signing of an application by other than an ITAR empowered official or "for" another company or person is a violation of the ITAR.

Per the ITAR, the individual signing the request must meet all the criteria stated in Section 120.25.  The criteria includes:
- that the individual is a U.S. citizen, or is lawfully admitted to the United States for permanent residence, or an official of a foreign government acting in their official capacity; and
- has responsibility for ensuring compliance with all the facts stated in the request; and
- is responsible for seeking all the required certification of the form, as well as all other provisions of the ITAR; and
- can certify the conditions of 22 CFR 126.13 and 130; and that the applicant and other parties to the request are eligible.

Block 11.  Response to be sent to.  FOR PAPER SUBMISSIONS ONLY.  Provide the complete name, address and phone number.

# REQUEST FOR RECONSIDERATION OF UNCLASSIFIED PROVISO(S)

**Date Received** *(mm-dd-yyyy)* _____

**Case Number** _____

| | |
|---|---|
| **\*1. Date Prepared** *(mm-dd-yyyy)*     08-18-2009 | **\*2. DDTC Applicant/Registration Code** |

**3. Applicant's Name, Address, ZIP Code and Telephone Number**

\*Name _____

_____

\*Attention _____

\*Address _____

_____

_____

\*City _____

\*State _____    \*ZIP Code _____

\*Telephone Number _____ Ext. _____

**\*4. Identify DDTC Approval being Amended** _____

**\*5. DDTC Approval Number** _____

**\*6. Date of DDTC Approval Letter** *(mm-dd-yyyy)* _____

**7. Names, agency and telephone numbers of U.S. Government personnel** *(not DDTC)* **familiar with the request**

Name _____

Agency _____

Please Specify Other _____

Telephone Number _____ Ext. _____

**8. Name and telephone number of applicant contact(s)**

Name _____

Telephone Number _____ Ext. _____

**9. List Proviso for Reconsideration**

**Reconsideration Number 1**

\*a. Request to _____    \*b. Proviso Number from Approval _____

| \*c. Original Text from Approval Letter | \*d. Rationale for Reconsideration | e. Suggested Rewrite |
|---|---|---|
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\*f. Is/are any other reconsideration request/requests currently pending with the same issue?    ☐ Yes    ☐ No

    If Yes, state the approval number(s) that is/are the subject of these requests

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## PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 1 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State (A/ISS/DIR), Washington, DC 20520.

**\*10. Applicant's statement** *(see instructions)*

I, [_____] , an empowered official (ITAR 120.25) or an official of a foreign government entity in the U.S., hereby request reconsideration of unclassified proviso(s); warrant the truth of all statements made herein; and acknowledge, understand and will comply with the provisions of Title 22 CFR 120-130, and any conditions and limitations imposed.

I am authorized by the applicant to certify the following in compliance with 22 CFR 126.13:

(1) Neither the applicant, its chief executive officer, president, vice presidents, other senior officers or officials (e.g., comptroller, treasurer, general counsel) nor any member of its board of directors is:

(a) the subject of an indictment for or has been convicted of violating any of the U.S. criminal statutes enumerated in 22 CFR 120.27 since the effective date of the Arms Export Control Act, Public Law 94-329, 90 Stat. 729 *(June 30, 1976)*, or

(b) ineligible to contract with, or to receive a license or other approval to import defense articles or defense services from, or to receive an export license or other approval from any agency of the U.S. Government;

(2) To the best of the applicant's knowledge, no party to the export as defined in Section 126.7 (e) has been convicted of violating any of the U.S. criminal statutes enumerated in 22 CFR 120.27 since the effective date of the Arms Export Control Act, Public Law 94-329, 90 Stat. 729 *(June 30, 1976)*, or is ineligible to contract with, or to receive a license or other approval to import defense articles or defense services from, or to receive an export license or other approval from any agency of the U.S. Government.

**22 CFR 126.13 Certification** *(Select one)*

☐ I am authorized by the applicant to certify that the applicant and all the parties to the transaction can meet in full the conditions of 22 CFR 126.3 as listed above.

☐ I am authorized by the applicant to certify to 22 CFR 126.13. The applicant or one of the parties of the transaction cannot meet one or more of the conditions of 22 CFR 126.13 as listed above. A request for an exception to policy is attached.

☐ I am not authorized by the applicant to certify the conditions of 22 CFR 126.13 as listed above. The applicant and all the parties to the transaction can meet in full the conditions of 22 CFR 126.13 as listed above. Please see the attached letter for such certification.

☐ I am not authorized by the applicant to certify the conditions of 22 CFR 126.13 as listed above. The applicant or one of the parties of the transaction cannot meet one or more the conditions of 22 CFR 126.13 as listed above. A letter of such certification and request for an exception to policy is attached.

Signature _____

**11. Response to be sent to** *(Enter name, address and telephone*
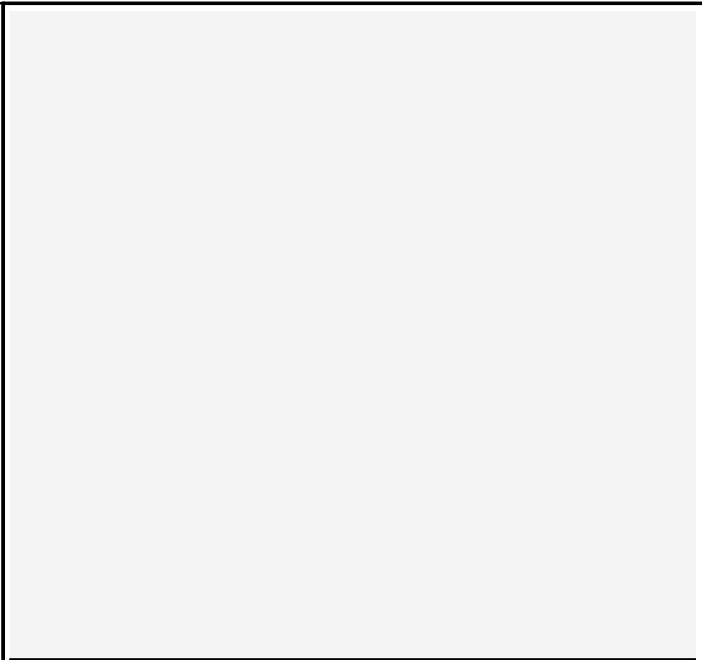
☐ Same as Block 3

☐ Hold for Pickup

Name _____

_____

_____

Attention _____

Address _____

_____

_____

City _____

State _____ ZIP Code _____

Telephone Number _____ Ext. _____

**CONDITIONS OF ISSUANCE**

1. **When approved, all of the original conditions except as modified by this approval remain applicable.**

2. **This reconsideration, when approved becomes a part of the license identified in Block 5 on Page 1 of this form.  When returned to the applicant, it must be attached to the original license prior to filing with U.S. Customs and Border Protection or must be sent to U.S. Customs and Border Protection for filing with the original license.**

## Additional Requests for Reconsideration of Unclassified Proviso(s)

**Reconsideration Number 2**

*a. Request to  _____        *b. Proviso Number from Approval  _____

| *c. Original Text from Approval Letter | *d. Rationale for Reconsideration | *e. Suggested Rewrite |
|---|---|---|
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*f. Is/are any other reconsideration request/requests currently pending with the same issue?  ☐ Yes  ☐ No

  If Yes, state the approval number(s) that is/are the subject of these requests

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**Reconsideration Number 3**

*a. Request to  _____        *b. Proviso Number  from Approval  _____

| *c. Original Text from Approval Letter | *d. Rationale for Reconsideration | *e. Suggested Rewrite |
|---|---|---|
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*f. Is/are any other reconsideration request/requests currently pending with the same issue?  ☐ Yes  ☐ No

  If Yes, state the approval number(s) that is/are the subject of these requests

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