

# Instructions for Form DS-7787: Disclosure of Violations of the Arms Export Control Act

## General Instructions:

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| 1 | <p>The size of the text field will correspond to the type of information required, with more characters allowed for narrative-type responses.</p> <p>Text fields requiring narrative responses allow for lengthy responses. If, however, a text field does not allow enough space to complete your answer, submitters may upload a document in block 6 (as “other supporting material”) and indicate in the text field that the response continues in an attached document. When doing so, you should reference the corresponding text field in the document’s description. For example: “Block 4 Exact Circumstances Continued”.</p> <p>Submitters should not upload documents in Block 6 in lieu of providing a response in the appropriate text field. When submitting a full disclosure, for example, “N/A” is not an appropriate response for the narrative-type questions at the end of block 4.</p> |
| 2 | <p>Submissions should be accompanied by copies of documents substantiating the claims made within the submission (e.g. proof of corrective actions, relevant compliance procedures in effect at the time the violation occurred, etc.). Block 6 allows for submitters to upload multiple supporting documents of several category types. For substantiating documents that do not fit within a particular category, select “other supporting material” and briefly describe the document.</p>  |
| 3 | <p>There are fields throughout the form, indicated by “add” buttons, which allow for multiple responses (e.g. related disclosure number or authorization number), when appropriate. There are also entire blocks that can be duplicated by selecting the “add” button (i.e. point of contact information and violation information). There is no limit to the number of fields or blocks for each submission.</p>  |
| 4 | <p>There are several data fields that require subjective assessment by the submitter (e.g. violation type). As noted in the certification statement, everything contained in a submission should be true and correct to the best of the submitter’s knowledge and belief. There are text fields throughout the form and an opportunity to upload additional documentation if you wish to provide additional explanation for responses to those subjective data fields.</p>   |
| 5 | <p>ITAR § 127.12 encourages disclosures by persons who believe they <i>may</i> have violated an export control provision of the Arms Export Control Act, or any regulation (including the ITAR), order, license, or other authorization issued thereunder. This form is intended to be used to disclose both potential and actual violations. Any terminology in the DS-7787 form or these instructions that refers to “violation” is intended to capture both potential and actual violations. ITAR § 127.1 describes activities constituting violations. If, after a full investigation, you cannot confirm whether an actual violation occurred, you are encouraged to disclose any potential violations and indicate in the appropriate fields your investigation efforts and the reasons why you were unable to determine whether the violation actually occurred.</p>                                |
| 6 | <p>Fields with circle selections allow only single-choice selections. Fields with square selections allow for multiple selections.</p>   |

Section-specific Instructions:

| <b>Block</b>                          | <b>Item</b>   | <b>Instruction</b>  | <b>Required/Optional</b>                           |
|---------------------------------------|---|---|--|
| Block 1: Identifying Information      | Case Number   | Select the relevant case number from the drop-down menu. If this is a new matter, select "New Case."  | Required   |
| Block 1: Identifying Information      | Registration Code   | Enter the code you received upon registering with the Directorate of Defense Trade Controls (DDTC). Select "not registered with PM/DDTC" if applicable.   | Required   |
| Block 1: Identifying Information      | Submitter Type: Natural person/Entity   | Select "natural person" if an individual is submitting the disclosure or "entity" if the disclosure is submitted by or on behalf of a company or organization.  | Required   |
| Block 1: Identifying Information      | Doing Business As Name  | If your business operates under any other names, include those names.   | Optional   |
| Block 1: Identifying Information      | Address Line 1, 2, 3, City, State/Province, Country, Zip/Postal Code, and Website | The submitter's address is pre-populated with the information you entered when you registered with DDTC or created a profile to use the online submission system.   | Address required                                   |
| Block 1: Identifying Information      | Third Party Information   | Complete these fields if the form is being submitted by an authorized third party, such as outside counsel.   | Required if submitted by an authorized third party |
| Block 2: Point of Contact Information | Point of Contact  | Identify all points-of-contact authorized to discuss the disclosure by name, title, company or organization of employment, type (e.g. applicant, outside counsel, etc.) and contact information.<br><br>If you wish to include more than one point-of-contact, select the "Add" button at the end of block 2. | Required   |

| Block                           | Item                         | Instruction   | Required/Optional   |
|---------------------------------|------------------------------|---|---|
| Block 3: Submission Information | Type of submission           | Select the option that best describes your submission. Select “voluntary disclosure” if the submitter is disclosing a violation for which it or one of its subsidiaries or affiliates is responsible. Select “response to DDTC inquiry” for submissions responding to direct requests by DDTC, including disclosures submitted at DDTC’s direction, often referred to as “directed” disclosures. Select “notification” if the submitter is reporting a violation for which it was not responsible; making a required notification under ITAR Part 126 (including 126.1(e)(2), 126.16, and 126.17) that does not relate to a voluntary disclosure or a new DDTC inquiry; making a required notification under 123.17(j); providing supplemental information or responding to a request for DDTC for additional information regarding a notification; or any other type of notification.  | Required  |
| Block 3: Submission Information | Type of voluntary disclosure | Select the option that best describes your voluntary disclosure submission. A full disclosure must include all of the information required by ITAR §127.12 (c) (2). If a thorough review of the violation and all related defense trade transactions has not yet been conducted, select “initial notification.” If submitting an “initial notification” the discloser has 60 days to submit a “full disclosure” unless an extension is sought and granted in advance of the deadline. Select “supplemental information” if submitting new information pertaining to an existing voluntary disclosure, not in direct response to a request from DDTC (e.g. a status report on a corrective action, or newly-discovered information pertaining to a voluntary disclosure). Select “extension request” if requesting additional time to submit a full disclosure or response to DDTC inquiry relating to an existing voluntary disclosure. Select “response to DDTC inquiry” if submitting responses to questions from DDTC related to an existing voluntary disclosure. | Required only if “Voluntary disclosure” response under “Type of Submission” |

| <b>Block</b>                    | <b>Item</b>   | <b>Instruction</b>   | <b>Required/Optional</b>   |
|---------------------------------|---|--|--|
| Block 3: Submission Information | Describe supplemental information to a voluntary disclosure     | If submitting supplemental information, briefly explain how this submission relates to or differs from previous submissions under the same case number. ( <i>E.g.</i> supplement to a voluntary disclosure that adds the name of an involved party not previously known.)  | Required only if “Supplemental information” response to “Type of submission: voluntary disclosure”     |
| Block 3: Submission Information | Extension request to a voluntary disclosure                     | Select “extension request” if you require additional time to prepare and submit a full disclosure or response to DDTC inquiry related to an existing voluntary disclosure. Include a proposed due date and explain what information required by ITAR section 127.12(c)(2) could not immediately be provided and describe the reason(s).  | Required only if “Extension request” response to “Type of submission: voluntary disclosure”            |
| Block 3: Submission Information | Type of response to DDTC inquiry                                | Select the option that best describes your response to DDTC inquiry. A “full response to DDTC inquiry” for submissions responding to new requests from DDTC for information or for submissions responding to subsequent requests from DDTC related to an existing matter. Select “supplemental information” if submitting new information pertaining to an existing matter, not in direct response to a request from DDTC (e.g. a status report on a corrective action, or newly-discovered information pertaining to a prior response to a DDTC inquiry). Select “extension request” if you require additional time to prepare and submit your full response to a DDTC inquiry. | Required only if “Response to DDTC inquiry” response under “Type of submission”                        |
| Block 3: Submission Information | Describe supplemental information to a response to DDTC inquiry | If submitting supplemental information, briefly explain how this submission relates to or differs from previous submissions under the same case number. ( <i>E.g.</i> supplement to a disclosure that adds the name of an involved party not previously known.)  | Required only if “Supplemental information” response to “Type of Submission: response to DDTC inquiry” |
| Block 3: Submission Information | Extension request to a response to DDTC inquiry                 | Select “extension request” if you require additional time to prepare and submit your full response to a DDTC inquiry. Include a proposed due date and explain what information could not immediately be provided and describe the reason(s).   | Required only if “Extension request” response under “Type of Submission: response to DDTC inquiry”     |

| <b>Block</b>                    | <b>Item</b>                           | <b>Instruction</b>  | <b>Required/Optional</b>                           |
|---------------------------------|---------------------------------------|---|--|
| Block 3: Submission Information | Type of notification                  | Select all options that describe the type of notification submission. Select “notification of third party violation” if submitting a notification, unrelated to a voluntary disclosure, in accordance with ITAR sections 126.1, 126.16, 126.17, or 123.17, select the notification type indicating the relevant ITAR section. Select “supplemental information” if submitting new information pertaining to an existing matter, not in direct response to a request from DDTC (e.g. newly-discovered information pertaining to a previously-submitted notification). Select “response to DDTC inquiry” for submissions responding to direct requests from DDTC in relation to an existing notification. Select “other” if submitting a notification that is not properly captured in notification types listed. | Required   |
| Block 3: Submission Information | Other notification type               | If “other” type of notification selected, briefly describe the submission type in the resulting text field.   | Required if no other option is selected            |
| Block 3: Submission Information | ITAR section 126.1 countries involved | Select “yes” if the information submitted involves a country identified in ITAR section 126.1, including foreign persons from such countries. If applicable, this response will satisfy the duty to notify DDTC described in ITAR section 126.1(e).   | Required if disclosure involves 126.1 country(ies) |
| Block 3: Submission Information | Related disclosures                   | Identify the case numbers, if known, of all previously submitted disclosures related to this disclosure. This may include, among others, disclosures with substantially similar circumstances such that prior corrective actions should have prevented the instant violation; disclosures with the same or related fact patterns; disclosures related to the same facts but submitted by other parties. Select “unknown” if this submission relates to a third party’s disclosure but you do not know that disclosure case number.  | Required for full disclosure                       |

| <b>Block</b>                    | <b>Item</b>                    | <b>Instruction</b>   | <b>Required/Optional</b>     |
|---------------------------------|--------------------------------|--|------------------------------|
| Block 3: Submission Information | Significant Military Equipment | Select if any of the defense articles, including technical data, or defense services involved were considered SME at the time the violation occurred.  | Required for full disclosure |
| Block 3: Submission Information | Classified                     | <p>If “Yes” is selected, do not include or refer to classified information anywhere in submission.</p> <p>For issues that may pertain to classified information, contact the DDTC Response Team for information on how to submit to DDTC. Any submission containing classified information must comply with the marking and packaging requirements of the National Industrial Security Procedures and Operating Manual.</p>  | Required                     |
| Block 4: Violation Information  | “Add” button                   | This block allows the submitter to categorize violations in various ways. For example, if disclosing various types of violations related to a single incident, the submitter can fill out block 4 for each type of violation (e.g. 3 unauthorized exports, 3 instances of failing to maintain records, and 1 instance of failing to register). For each type, the submitter will fill out all fields in this block. Alternatively, the submitter may wish to disclose a large number of violations related a particular authorization or subsidiary, etc. and can organize their various block 4 responses by authorization or subsidiary, etc.  | N/A                          |
| Block 4: Violation Information  | Violation type(s)              | Identify your assessment of the categories under which the disclosed violation fits best. Multiple selections are allowed, if appropriate, but this field is intended to help organize the various violations reported in disclosures. Submitters should not include every type of violation in a single block 4 entry. The block can be filled out multiple times in each disclosure. To disclose violations of a different type or category, select “Add” at the beginning of Block 4. If you wish to explain your response, include your explanation in the text field for “a precise description of the nature and extent of the violation.” | Required for full disclosure |

| <b>Block</b>                   | <b>Item</b>   | <b>Instruction</b>   | <b>Required/Optional</b>     |
|--------------------------------|---|--|------------------------------|
| Block 4: Violation Information | Number of violations                                    | Identify your assessment of the number of potential and/or actual violations of a particular type the submitter is disclosing. ITAR § 127.1 describes activities constituting violations. If, however, you wish to explain your calculation, include your explanation in the text field for “a precise description of the nature and extent of the violation.”   | Optional                     |
| Block 4: Violation Information | Date violation(s) occurred                              | Enter the date on which the violation(s) occurred or a date range during which the violation(s) occurred. If selecting a date range, remember to select both beginning and end dates. If the violation is still occurring at the time of disclosure submission, select the date of submission as the end date, and check the “ongoing” box next to the date field. If the precise dates are unknown, select the first day of the month or the first day of the year (if known) and indicate the uncertainty in the field for detailing the exact circumstances of the violation. | Required for full disclosure |
| Block 4: Violation Information | Discovery date  | Enter the date on which the submitter (or anyone in the submitter’s organization) first suspected a violation may have occurred or received notification by a third party. If further explanation is necessary, include your explanation in the text field for detailing how the violation was discovered.   | Required for full disclosure |
| Block 4: Violation Information | Relevant Department of State licenses or authorizations | Select from the drop-down menu case numbers for any relevant Department of State license or other authorization. If the case number is not listed or no case number exists, such as with exemption citations, describe the authorization in the field for the exact circumstances surround the violation. Select “N/A” if appropriate.   | Required for full disclosure |

| <b>Block</b>                   | <b>Item</b>   | <b>Instruction</b>   | <b>Required/Optional</b>     |
|--------------------------------|---|--|------------------------------|
| Block 4: Violation Information | Governmental program or contract  | Select "Yes" if the violation involves any government-sponsored programs or contracts, including U.S., non-U.S., or inter-governmental. In the resulting fields identify the program and/or contract name and number, if known, and a brief description. If you do not know the specific program or contract name or number, enter "unknown" in each field and describe the program or contract to the best of your knowledge.                                       | Optional                     |
| Block 4: Violation Information | U.S. or foreign subsidiary name and location                            | If appropriate, select from the drop-down menu the submitter's U.S. or foreign subsidiaries specifically involved in the violation. Using the "Add" button, include information for all involved subsidiaries.   | Optional                     |
| Block 4: Violation Information | ITAR section violated   | Select from the drop-down menu all of the relevant ITAR sections directly implicated in violations disclosed. Select "Add" to include multiple sections of the ITAR violated. "N/A" should only be selected if the violation disclosed is a violation of an order, license, or other authorization issued under the AECA, such as a proviso to a license, but does not relate to a section of the ITAR.  | Required for full disclosure |
| Block 4: Violation Information | Violation involves: hardware, technical data, defense service, or other | Select "other" if the disclosed violation does not involve any hardware, technical data, or defense service on the U.S. Munitions List (e.g. lapsed registration). Submitters can explain their selections in more detail in the field for the exact circumstances of the violation.   | Required for full disclosure |
| Block 4: Violation Information | U.S. Munitions List category  | Select from the drop-down menus all relevant U.S. Munitions List categories and subcategories for the defense articles, technical data, or defense services (at the time the violation occurred) involved in the disclosed violation. Select "Add" to include multiple categories. "N/A" should only be selected if the disclosed violation does not involve any hardware, technical data, or defense service on the U.S. Munitions List (e.g. lapsed registration). | Required for full disclosure |



| <b>Block</b>                   | <b>Item</b>  | <b>Instruction</b>  | <b>Required/Optional</b>     |
|--------------------------------|--|---|------------------------------|
| Block 4: Violation Information | Major Defense Equipment                                      | Indicate whether the disclosed information involves major defense equipment, as defined in ITAR section 120.8.  | Optional                     |
| Block 4: Violation Information | Description  | Identify and describe the product, quantity, characteristics, and technological capabilities of the hardware, technical data, or defense service involved in the violation.   | Required for full disclosure |
| Block 4: Violation Information | Violation description  | Give a precise description of the nature and extent of the violation (e.g., an unauthorized shipment, doing business with a party denied U.S. export privileges, etc.). Explanations for how you determined the number and type of violations, if applicable, should be included in this field. | Required for full disclosure |
| Block 4: Violation Information | Persons involved   | Provide the complete identities and addresses of all persons known or suspected to be involved in the activities giving rise to the violation. For each, include mailing, shipping, and e-mail addresses; telephone and facsimile numbers; and any other identifying information.               | Required for full disclosure |
| Block 4: Violation Information | Suspended, denied, debarred, or otherwise ineligible parties | For each involved party, indicate whether the party is suspended, restricted, denied, or debarred, or otherwise ineligible to export and describe the authority under which they are restricted.  | Optional                     |
| Block 4: Violation Information | Countries involved   | Select from the drop-down menu all countries involved in the violation, including countries of origin for involved persons. Select U.S. or "N/A" if violation does not involve a foreign country.   | Required for full disclosure |
| Block 4: Violation Information | Exact circumstances surrounding the violation                | Provide a thorough narrative explanation of when, where, how, and why the violation occurred and how it was discovered. Include any factors you believe the Department may view as mitigating.  | Required for full disclosure |
| Block 4: Violation Information | How was the violation discovered                             | Describe how the violation was discovered, by whom, and when and how persons responsible for overseeing export compliance were informed. If the violation was first discovered by a third party, describe when and how it was discovered and identify the third party.                          | Required for full disclosure |

| <b>Block</b>                      | <b>Item</b>                                     | <b>Instruction</b>   | <b>Required/Optional</b>     |
|-----------------------------------|---|--|------------------------------|
| Block 4: Violation Information    | Root cause                                      | Describe the most significant underlying causes of the disclosed violation.  | Required for full disclosure |
| Block 4: Violation Information    | Corrective actions                              | Describe corrective actions already undertaken that clearly identify the new compliance initiatives implemented to address the causes of the disclosed violations, any disciplinary action taken, and how these corrective actions are designed to deter those particular violations from occurring again. In addition, you may wish to describe and provide an implementation timeline for any proposed corrective actions not yet completed. | Required                     |
| Block 4: Violation Information    | Additional relevant information                 | Detail any other information you believe is relevant to the violation, required under an authority other than ITAR section 127.12, or necessary for a complete review by DDTC that does not fit more properly in another field. If not included elsewhere, describe any factors that you believe DDTC may view as mitigating or aggravating. Some examples of factors DDTC may consider mitigating appear in ITAR 127.12(b) (3).               | Optional                     |
| Block 5: Supporting Documentation | Technical data                                  | Submissions involving technical data should include copies of the technical data. Submit any classified material only by following the relevant DDTC procedures.   | Optional                     |
| Block 5: Supporting Documentation | Audit report                                    | If relevant to the disclosed violations, corrective actions, or mitigating factors, provide copies of recent audits.   | Optional                     |
| Block 5: Supporting Documentation | Compliance program manual, policy, or procedure | If relevant to the disclosed violations, corrective actions, or mitigating factors, provide copies of any compliance program manuals, policies, or procedures.   | Optional                     |
| Block 5: Supporting Documentation | Technology Control Plan                         | If relevant to the disclosed violations, corrective actions, or mitigating factors, provide copies of any technology control plans.  | Optional                     |
| Block 5: Supporting Documents     | Shipping documents                              | If relevant to the disclosed violations, corrective actions, or mitigating factors provide copies of shipping documents.   | Optional                     |

| <b>Block</b>                      | <b>Item</b>                                | <b>Instruction</b>  | <b>Required/Optional</b>     |
|-----------------------------------|--|---|------------------------------|
| Block 5: Supporting Documents     | Licensing or other authorization documents | If relevant to the disclosed violations, corrective actions, or mitigating factors provide copies of licensing or other authorization documents   | Optional                     |
| Block 5: Supporting Documents     | Training documents                         | If relevant to the disclosed violations, corrective actions, or mitigating factors provide copies of training records, including training materials and agendas; dates of attendance; trainers' names and credentials; and attendance sheets with names, titles, and signatures of attendees.   | Optional                     |
| Block 5: Supporting Documentation | Other supporting material                  | If relevant to the disclosed violations, corrective actions, or mitigating factors, provide copies of other supporting material that may substantiate a claim made in the disclosure (such as a written narrative, timelines, matrices, authorizations, written correspondence including e-mails, contracts, résumés, etc.) and include a description of each document. | Optional                     |
| Block 6: Certification            | Certification statement                    | The certification statement must be made by an empowered official (or, for submissions by non-U.S. entities, an empowered official-equivalent under delegation of authority from a senior officer) or senior officer and should accompany all disclosure submissions (including supplemental information and extension requests).                                       | Required for full disclosure |