

# The Joint Certification Program (JCP)

## Background

Although there are numerous items bought by DOD for which the data to manufacture is available to anyone who wishes to see it, there is another class of items for which the information controlled by DOD is considered militarily sensitive. This data requires special handling and is released only to companies who have fulfilled certain requirements.

In 1985, the United States and Canada signed a Memorandum of Understanding (MOU) that established the U.S.-Canada Joint Certification Program (JCP). The program was established "to certify contractors of each country for access, on an equally favorable basis, to unclassified technical data disclosing critical technology" controlled in the U.S. by Department of Defense Directive 5230.25 and, in Canada, by the Technical Data Control Regulations. Under each nation's laws, the U.S. Department of Defense and Canada's Department of National Defence may withhold such technical data from public disclosure.

Here we will describe how the program has developed and why; how an individual or enterprise located in the U.S. or Canada can become a certified contractor under the JCP; and what specific actions must be taken by persons working with unclassified technical data disclosing critical technology. North American security demands that we combine our technology resources for mutual benefit. By working upon existing opportunities for defense-economic cooperation, we believe that we can better provide for the security of our respective nations.

The establishment of the Joint Certification Program (JCP) benefits U.S. and Canadian defense and high technology industries by facilitating their continued access to unclassified technical data disclosing critical technology in the possession of, or under the control of the U.S. Department of Defense (DoD) or the Canadian Department of National Defence (DND). Certification under the JCP establishes the eligibility of a U.S. or Canadian contractor to receive technical data governed, in the U.S., by DoD Directive 5230.25 and, in Canada, by the Technical Data Control Regulations (TDCR).

[The U.S./Canada Joint Certification Program](#) is managed by the U.S./Canada Joint Certification Office (JCO). The JCO, a common, jointly staffed office, is located at the Defense Logistics Information Service (DLIS), 74 Washington Avenue North, Battle Creek, Michigan 49017-3084. The JCO receives and processes certification forms submitted by U.S. and Canadian contractors that wish to obtain access to unclassified technical data disclosing critical technology under the control of, or in the possession of DoD or DND. Access to unclassified technical data with military or space application (also referred to as technical data disclosing critical technology) is controlled when such technical data:

- a. Are in the possession of, or under the control of DoD, or administered and controlled by DND;
- b. May not be exported lawfully without an approval, authorization or license under U.S. or Canadian export control laws, as applicable; and
- c. Disclose critical technology

Unclassified technical data with military or space application (referred to as "technical data") includes any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used, or adapted for use, to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce military or space equipment or technology concerning such equipment.

## [The DD 2345 Form](#)

Because U.S. Public Law 98-94 only granted authority to withhold, and not selectively disseminate technical data,

a system of certification was established that permits dissemination for legitimate business purposes while maintaining the ability of the DoD to withhold the data for other purposes.

To become certified, U.S. contractors must submit a completed DD Form 2345 to the JCO. Canadian contractors may submit either a completed DD Form 2345 or DSS-MAS 9379 for certification. In addition, a copy of the company's State/Provincial Business License, Incorporation Certificate, Sales Tax Identification Form or other documentation which verifies the legitimacy of the company must accompany all DD Forms 2345.

Because the technical data transferred to a certified contractor are associated with the location shown on the DD 2345 form, each corporate subsidiary or division that is to receive unclassified technical data should be certified separately. Contractors applying for certification are required to designate a person by name or position designation to act as the Data Custodian for the facility. This person will be responsible for receiving and disseminating any technical data transferred to the certified contractor under the provisions of the JCP. The individual chosen to fill the position of Data Custodian at a U.S. contractor facility must be a U.S. citizen or an intending citizen. In the case of the Canadian contractor facility the Data Custodian must be a Canadian or U.S. citizen or a person admitted lawfully for permanent residence into Canada.

The contractor's business activity is a key element of the certification process since this information will be used by the controlling office as a basis for approving or disapproving specific requests for technical data. Consequently, the business activity statement should be sufficiently detailed to support requests for any data that the contractor expects to need for legitimate business purposes. Proprietary or other sensitive information should not be included in the statement since the information entered on the form will be publicly available. As a condition of receiving DoD- or DND-controlled technical data, the contractor agrees to use the data only in ways mandated by DoD Directive 5230.25 or the TDCR. The contractor must certify that it needs the technical data to bid or perform on a contract with an agency of the U.S. or Canadian Government or for other legitimate business purposes.

The contractor must acknowledge its responsibilities under the applicable U.S. or Canadian export control laws. The contractor must agree not to publicly disclose any unclassified technical data it receives under the agreement, unless specifically authorized by the controlling office, and to limit access to the data to individuals employed at its facility meeting the following citizenship requirements:

- a. U.S. citizens or intending citizens if the facility is located in the United States; and
- b. Canadian or U.S. citizens or permanent residents of Canada if the facility is located in Canada.

As a condition of receiving unclassified technical data, a contractor must certify on the form that to the best of its knowledge and belief the information provided and the certifications made are true, complete, and accurate and are made in good faith. A contractor that knowingly and willfully makes a false statement on the form can be punished by a fine or imprisonment or both under the U.S. Code, Title 18, Section 1001 or to a fine under Section 26 of the Canadian Defence Production Act, as applicable.

If a contractor violates the provisions of the agreement, the contractor's eligibility for access to unclassified technical data may be revoked. However, a contractor's eligibility for access may be reinstated when the basis for the revocation has been remedied. If a contractor exports the technical data without the benefit of license or other authorization, it may be in violation of export control laws and subject to severe criminal penalties. A contractor violating the provisions of the agreement may be subject to prosecution by the contracting authority. The certification form is designed for ease of completion. When accepted by the JCO it constitutes an agreement among the certifying company, DoD, and PW&GSC.

The most current version of the DD Form 2345 is available for downloading as a PDF at

<http://www.dlis.dla.mil/jcp/documents.asp> or by calling the JCO at 1-800-352-3572. A copy current as of June 2007 is also provided in this manual in the Appendix.

### JCP Certification Acceptance

Upon acceptance of a contractor's certification, the JCO will mail a copy of the original form to the Data Custodian. A seven-digit certification number is entered on the form prior to being mailed to the Data Custodian. The certification is valid for a renewable five year period unless the contractor is shown to have violated the terms of the agreement. The certification number refers to the "facility" rather than an "individual employee" and extends to U.S. and Canadian citizens and persons admitted lawfully for permanent residence into the U.S. or Canada (intending citizens) who are employed directly at the facility. Once certified, the contractor may:

- a. Request unclassified technical data controlled by the DoD or DND;
- b. Respond to defense-related contracts or solicitations whose specifications involve unclassified technical data releasable only to certified contractors;
- c. Attend restricted gatherings where unclassified technical data are presented (i.e., symposia, program briefings, meetings designed to publicize advance requirements of the contracting agency, pre-solicitation, pre-bid, pre-proposal and pre-award conferences); and
- d. Arrange unclassified visits directly with other certified U.S. or Canadian defense contractors or U.S. and Canadian military facilities.

### Revisions of DD Form 2345

Certified contractors should submit a revised DD Form 2345 whenever information previously furnished becomes outdated - if, for example, ownership, purpose of business, or the name of the company changes, or a new Data Custodian is designated by the certified contractor. Approval of a revision submittal starts a new five-year eligibility period for the certified contractor.

### Confirming JCP and Export Control Certification

The form required for Export Control is also DD Form 2345. This form is submitted directly to the U.S./Canada Joint Certification Office listed on the form. Once vendors obtain their export control (JCP) certification they should verify that their certification is reflected in the DLIS certification search which buyers use to verify vendor/bidder status as well as by confirming cFolders access to controlled documents (since BSM interfaces with the JCP web site). The web site to verify JCP certification is located at the following web site:

<http://www.dlis.dla.mil/jcp/search.asp>

### Completing the DD 2345

The DD 2345 form is completed as a hard copy and submitted via mail or other delivery service to the JCO in Battle Creek, MI.

Specific instructions for first time applications:

1. Item 1: Check the "Initial Submission" box.
2. Item 2: Supply your legal business name (and d/b/a, if applicable), address, subsidiary (if applicable), CAGE code (from your CCR registration)
3. Item 3: Name the person who will be designated as the Data Custodian and contact information. This person will be the one who receives the data and is responsible for dissemination, control and destruction (if required).
4. Item 4: Describe your business activity in sufficient detail. For example, "aluminum foundry

producing aircraft quality castings”, “steel investment casting manufacturer providing spare parts for naval systems”, etc.

5. Item 5a: Check whether the person in Item 3 is a US or Canadian citizen.
6. Item 6: The DD2345 should be signed by a person who normally can sign legal contracts obligating the company.
7. Do not forget to include documentation that confirms the legitimacy of your company. This can include a copy of your: business license, incorporation certificate, or sales tax ID form.

Sample Completed DD2345

**MILITARILY CRITICAL TECHNICAL DATA AGREEMENT**  
 (Please read Agency Disclosure Notice, Privacy Act Statement and Instructions on back before completing this form.)

Form Approved  
 OMB No. 0704-0207  
 Expires Mar 31, 2008

MAIL THE ORIGINAL, COMPLETED COPY OF THIS FORM AND A COPY OF YOUR COMPANY'S INCORPORATION CERTIFICATE, STATE/PROVINCIAL BUSINESS LICENSE, SALES TAX IDENTIFICATION FORM OR OTHER DOCUMENTATION WHICH VERIFIES THE LEGITIMACY OF THE COMPANY TO:

U.S./CANADA JOINT CERTIFICATION OFFICE  
 DEFENSE LOGISTICS INFORMATION SERVICE  
 FEDERAL CENTER, 74 WASHINGTON AVE., NORTH  
 BATTLE CREEK, MI USA 49017-3084

1. TYPE OF SUBMISSION (X one)     a. INITIAL SUBMISSION     b. REVISION     c. 5-YEAR RENEWAL

2. ENTERPRISE OR INDIVIDUAL DATA (Referred to as a "certified contractor" upon acceptance of certification by the U.S./Canada - JCO)

a. NAME (Name of Enterprise or Individual) Great Castings, Inc.	b. ADDRESS (Physical address, including P.O. Box if applicable) 1234 Lovely Lane Anytown, IL 60600
c. NAME OF SUBSIDIARY/DIVISION/DEPARTMENT Aluminum Division	
d. CAGE CODE IABC2	

3. DATA CUSTODIAN

a. NAME OR POSITION DESIGNATION (See Instructions) Joseph O'Mygosch	b. TELEPHONE NUMBER (Include Area Code) (847) 555-1212 x 120
c. TITLE Partner	d. E-MAIL ADDRESS jomy@grtcastings.com

4. DESCRIPTION OF RELEVANT BUSINESS ACTIVITY (Print or type)

Aluminum foundry providing castings used in both land and aviation military systems, primarily in the areas of electronic enclosures and flight controls.

5. AS A CONDITION OF RECEIVING MILITARILY CRITICAL TECHNICAL DATA, THE ENTERPRISE OR INDIVIDUAL CERTIFIES THAT:

a. CITIZENSHIP/RESIDENCY STATUS. The individual designated either by name or position designation in Item 3, who will act as custodian of the militarily critical technical data on behalf of the contractor, is a citizen or person admitted lawfully for permanent residence into: (X (1) or (2))	d. They will not provide access to militarily critical technical data to persons other than their employees or eligible persons designated by the registrant to act on their behalf unless such access is permitted by U.S. DoDD 5230.25, Canada's TDCR, or by the U.S. or Canadian Government agency that provided the technical data.
<input checked="" type="checkbox"/> (1) THE UNITED STATES <input type="checkbox"/> (2) CANADA	
b. The data are needed to bid or perform on a contract with any agency of the U.S. Government or the Canadian Government or for other legitimate business activities in which the contractor is engaged, or plans to engage.	e. No person employed by the enterprise or eligible persons designated by the registrant to act on their behalf, who will have access to militarily critical technical data, is disbarred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts or has violated U.S. or contravened Canadian export control laws or has had a certification revoked under the provisions of U.S. DoDD 5230.25 or Canada's TDCR.
c. They (1) acknowledge all responsibilities under applicable U.S. export control laws and regulations (including the obligation, under certain circumstances, to obtain an export license from the U.S. Government prior to the release of militarily critical technical data within the United States) or applicable Canadian export control laws and regulations, and (2) agree not to disseminate militarily critical technical data in a manner that would violate applicable U.S. or Canadian export control laws and regulations.	f. They are not themselves debarred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts, and have not violated U.S. or contravened Canadian export control laws, and have not had a certification revoked under the provisions of U.S. DoDD 5230.25 or Canada's TDCR.

6. CONTRACTOR CERTIFICATION

I certify that the information and certifications made by me are true, complete, and accurate to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both.  
 (For U.S. contractors see U.S. Code, Title 18, Section 1001 and for Canadian contractors see Section 26 of the Defense Production Act.)

a. TYPED NAME (LAST, First, Middle Initial) Franklin A. Pepsin	b. TITLE Partner	c. SIGNATURE	d. DATE SIGNED 7/2/2007
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7. CERTIFICATION ACTION (For JCO Use Only)

a. CERTIFICATION ACCEPTED. This certification number, along with a statement of intended data use, must be included with each request for militarily critical technical data.	b. NUMBER	c. EXPIRATION DATE
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8. DOD OFFICIAL

a. TYPED NAME (LAST, First, Middle Initial)	9. CANADA OFFICIAL
b. TITLE	a. TYPED NAME (LAST, First, Middle Initial)
c. SIGNATURE	b. TITLE
d. DATE SIGNED	c. SIGNATURE
	d. DATE SIGNED