


20 May 2020

United States/Canada Joint Certification Program (JCP)

What is the U.S./Canada Joint Certification Program and why does my company need a certification?

- The JCP was established in 1985 to allow United States (U.S.)/Canadian contractors to apply for access to Department of Defense/Department of National Defence (DOD/DND) unclassified export controlled technical data/critical technology on an equally favorable basis.
 - Certification under the JCP establishes the eligibility of a U.S. or Canadian contractor to technical data governed, in the U.S., by DODI 5320.25 and, in Canada, by the Technical Data Control Regulations (TDCR)
 - A certification is required by U.S. or Canadian contractors that wish to obtain access to unclassified technical data disclosing militarily critical technology with military or space application that is under the control of, or in the possession of the U.S. DOD or the Canadian Department of National Defence (DND)
- [The bottom line](#): In beta.SAM some Contract Opportunities have attachments that are marked as “**CONTROLLED**” access. JCP certification is required to view these attachments. Without the JCP certification your company will be denied access.



All Award Data ▾

I'm looking for...

All Award Data

Assistance Listings

Contract Opportunities

Contract Data

Entity Information

Federal Hierarchy


Wage Determinations

Welcome

This will be the official U.S. government website for making, receiving, and managing awards.

What Can I Do Here?

Contracting



Contract Opportunities (FBO)

This website has officially replaced FBO.gov.

- About Contract Opportunities
- Search Contract Opportunities

Wage Determinations (WDOL)

This website has officially replaced WDOL.gov.

- About Wage Determinations
- Search Wage Determinations

FPDS.gov remains the authoritative sources for contract information. To

Attachments/Links

Download All Attachments/Links

Attachments

Document	File Size	Access	Updated Date
 Copy of beta.SAM.GOV DOCUMENT TRACKER 29JAN2020.xlsx	16 KB	Public	Jan 29, 2020
 Copy of Exp License Storage FEB 2019.pdf	1 MB	Public	Jan 29, 2020
 Exp License Op Facilities APR 2019.pdf	505 KB	Public	Jan 29, 2020
 Arms room Explosive License Revised.pdf	453 KB	Public	Jan 29, 2020
 Explosive License New Bomb & Old Bomb - Signed.pdf	253 KB	Public	Jan 29, 2020
 Walleye Weapon System - 9-1325-P LAN-X60_Jan2020 - Distribution Code D, Export Controlled.pdf	9 MB	Controlled	Jan 29, 2020
 FEDBIZOPPS_DOCUMENT_TRACKER_17OCT19.xlsx	14 KB	Public	Oct 17, 2019
 A07_-_Rosecreek18.pdf	119 KB	Public	Oct 17, 2019

Here is a view of a Contract Opportunities page within beta.SAM. Note inside the circle it says “**CONTROLLED**”. If your company is interested in gaining access to view these types of attachments, you must have an assigned and approved Data Custodian listed under the JCP program in advance. If you do not have a certified Data Custodian to represent your company, access will be denied.



DEFENSE LOGISTICS AGENCY
THE NATION'S COMBAT LOGISTICS SUPPORT AGENCY

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DLA Logistics Operations (J3)

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DD Form 2345 Instructions

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JCP Search

The JCP established in 1985 to allow United States (U.S.)/Canadian contractors to apply for access to Department of Defense/Department of National Defence (DOD/DND) unclassified export controlled technical data/critical technology on an equally favorable basis in accordance with DODI 5320.25 "Withholding of Unclassified Technical Data and Technology from Public Disclosure", and Canadian Technical Data Control Regulations.

The JCO:

- is a jointly staffed office and the only DOD/DND agency that reviews and certifies the DD Form 2345.
- provides customer support to defense contractors applying for certification.
- receives, processes and maintains approximately 9,000 DD Form 2345s annually.
- establishes JCP policy based on DOD/DND Directives.
- consults and cooperates with government stakeholders in the development of common industrial security policies, procedures and technology controls.
- partners with DOD legal counsel and federal law enforcement on debarment actions.

DD Form 2345 is used:

- for U.S./Canadian defense contractors to obtain DOD/DND unclassified export controlled technical data.
- to attend gatherings such as:
 - Symposiums
 - Program briefings
 - Meetings designed to publicize advance requirements of contracting agencies
 - Pre-solicitation, pre-bid, pre-proposal, pre-award conferences, workshops and tours
- to request unclassified visits directly with other certified U.S. or Canadian defense contractors or U.S. and Canadian military facilities.

Note: Please refer to our [general](#) and [specific](#) instructions for completing the DD Form 2345.

This is the home page of The Joint Certification Program (JCP). It is administered by the Defense Logistics Agency. The correct link for the current JCP site:

<https://www.dla.mil/HQ/LogisticsOperations/Services/JCP/>

Please click on "DD2345 Instructions" it will take you here for instructions of what you are required to do going forward. Or go here:

<https://www.dla.mil/HQ/LogisticsOperations/Services/JCP/DD2345Instructions/>

PLEASE NOTE – Effectively immediately, DD2345 requests to JCP can ONLY be sent via email. See Step 1 below

DLA Logistics Operations (J3)

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DD Form 2345

DD Form 2345 Instructions

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DOD Instruction 5230.24 Distribution Statements on Technical Documents

DOD Instruction 5230.27 Presentation of DOD-related Scientific and Technical Papers at Meetings

Canadian Technical Data Control Regulations (TCDR)

State Department, Directorate of Defense Trade Controls

Commerce Control List

DLA Requirements

Joint Certification Program (JCP)

DD Form 2345 Instructions

General Instructions

1. Attention all JCP Customers:

Effective immediately, we are unable to accept or receive JCP applications by any means of sent (United States (U.S.) postal service, United Parcel Service (UPS), FedEx) mail. Until further notice, please submit all JCP applications to our office by e-mail at

JCP-ADMIN@DLA.MIL.

Thank you,

Joint Certification Program Office

2. Use [JCP Search](#) to verify if your company has been or is already certified. Searches can be done by company name, Commercial and Government Entity (CAGE) Code, or JCP Certification number. This provides you with a first-hand view of your company's information, which may require an update.

3. An active CAGE Code or a Canadian-issued North Atlantic Treaty Organization (NATO) Commercial and Governmental Entity Code (NCAGE Code) must be obtained and is required for all companies prior to the submission of your completed DD Form 2345.

United States (U.S.) companies should use [JCP Search](#) to verify your company's CAGE Code.

Canadian companies should use [NCAGE Search](#) to verify your company's NCAGE Code. E-mail the Canadian National Codification Bureau (NCB) at ncbcancage@forces.gc.ca to make corrections to your NCAGE data

The information recorded here must exactly match the information you enter on the DD Form 2345. For companies doing business with the Department of Defense (DOD), you must have a [Data Universal Numbering System \(DUNS\)](#) and register in the [System for Award Management \(SAM\)](#) prior to submitting your DD Form 2345.

Note: If any changes must be done in CAGE/NCAGE, DUNS or SAM, please allow 24-48 hours for the system to update before submitting your DD Form 2345.

[Specific DD Form 2345 Instructions](#)

[Contact us](#) for questions or additional interest JCP.

After reading this, please click on “DD2345 Form Specific Instructions” here:

Clicking will take you here:
<https://www.dla.mil/HQ/LogisticsOperations/Services/JCP/SpecificDD2345Instructions.aspx>

Follow these instructions of what you will be required to do going forward.

Joint Certification Program (JCP)

DD Form 2345

Specific Instructions for Filling Out Form

JCP Certification is required to handle/access Department of Defense/Department of National Defence (DOD/DND) unclassified export controlled technical data for the following purposes:

- DOD solicitations that involve access to export controlled data
- Conference/meeting attendance that discusses/shares DOD/DND export controlled material/data
- DOD/DND export controlled technical data exchange between vendors
- Obtain Request for Proposal (RFP) details involving DOD/DND export controlled data
- DOD Research/Development projects involving export controlled data
- To participate in a Directly Arranged Visit (DAV) (Canada to United States (U.S.) or U.S. to Canada)

Failure to provide accurate and complete information will result in your Application being returned or rejected.

Note: If you are a U.S. Entity, do not submit a DD Form 2345 unless Entity has a Valid Data Universal Numbering System (DUNS) number, is currently registered in the System for Award Management System (SAM), and has an Active Commercial and Government Entity/North Atlantic Treaty Organization (CAGE/NCAGE) Code. (Refer to the links in Block 2d for assistance with these agencies).

Collapse All Expand All

- ⊞ Block 1 - Type of Submission (Check only one box)
- ⊞ Block 2 - Entity or Individual Data
- ⊞ Block 3 - Data Custodian
- ⊞ Block 4 - Description of Relative Business Activity
- ⊞ Block 5 - Citizenship/Residency Status
- ⊞ Block 6 - Contractor Certification
- ⊞ Blocks 7, 8, and 9 - Joint Certification Program Use Only
- ⊞ Supporting Documentation
- ⊞ Submitting the DD Form 2345

If your company is not JCP certified, the DD Form 2345 will need to be submitted, processed. A certification number will be issued by the JCP if your company is approved.

To view the form instructions please go here:

<https://www.dla.mil/HQ/LogisticsOperations/Services/JCP/SpecificDD2345Instructions.aspx> following steps of what till fill out in Blocks 1 through 6 on the DD2345.

Additional documentation may be required when submitting the request.

NOTE: If you are going to do business with the Defense Logistics Agency (DLA) additional certification steps are required. The certification for your company may take several weeks/months to be processed.

MILITARILY CRITICAL TECHNICAL DATA AGREEMENT <small>(Please read Agency Disclosure Notice and Instructions on back before completing this form.)</small>		OMB No. 0704-0207 OMB approval expires 20220531	
MAIL THE ORIGINAL, COMPLETED 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 DLA LOGISTICS INFORMATION SERVICE FEDERAL CENTER, 74 WASHINGTON AVE., NORTH BATTLE CREEK, MI USA 49037-3084			
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)		b. ADDRESS (Physical address, including P.O. Box if applicable)	
c. NAME OF SUBSIDIARY/DIVISION/DEPARTMENT			
d. CAGE CODE (Mandatory for Enterprises)			
3. DATA CUSTODIAN			
a. NAME (See Instructions)		b. TELEPHONE NUMBER (Primary Company Number preferred - include area code)	
c. TITLE		d. E-MAIL ADDRESS	
4. DESCRIPTION OF RELEVANT BUSINESS ACTIVITY (Print or type)			
Sample of the DD 2345			
5. AS A CONDITION OF RECEIVING MILITARILY CRITICAL TECHNICAL DATA, THE ENTERPRISE OR INDIVIDUAL CERTIFIES THAT:			
a. CITIZENSHIP/RESIDENCY STATUS. The individual designated by name 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 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 the Defense Production Act.)			
a. TYPED NAME (LAST, First, Middle Initial)	b. TITLE	c. SIGNATURE (See Instructions)	d. DATE SIGNED
7. CERTIFICATION ACTION (For JCO Use Only)			
<input type="checkbox"/> 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
8. DOD OFFICIAL		9. CANADIAN OFFICIAL	
a. TYPED NAME (LAST, First, Middle Initial)		a. TYPED NAME (LAST, First, Middle Initial)	

Your company must submit a completed DD Form 2345 to become JCP certified. Consider these points when completing the form:

- The individual listed in block 3A is the single Data Custodian/person for your company
- The Data Custodian is the only one who may be granted access to view drawings for the solicitation
- If the approved Data Custodian leaves the company, the JCP certification becomes invalid and a new DD Form 2345 must be submitted
- If the Data Custodian legally changes any portion of their name a new DD Form 2345 must be submitted
- The Certifying Contractor in block 6 may not be granted access in lieu of the Data Custodian
- If the company is a large company, then a Data Custodian may be assigned per location. Each location will require a DD Form 2345 be submitted and certified

DD Form 2345:

<https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2345.pdf>

☐ Submitting the DD Form 2345

- You may submit your completed, signed and dated DD Form 2345 request along with your company's supporting documentation to JCP-Admin@dla.mil. Please allow at least five business days for processing prior to following up for status. The Data Custodian will be notified within this timeframe if further information/clarification is required.

Steps for emailing:

1. Complete the attached, fillable DD Form 2345. (Blocks 1 - Block 6B)
2. Save the form and print it.
3. Hand sign and Date the DD Form 2345. (Blocks 6C and 6D)
4. Scan the form.
5. Save form as a .pdf.
6. Attach the DD Form 2345 .pdf to an email addressed to JCP-Admin@dla.mil. - If you are required to send supporting documentation, attach to the same email.

Note: For any and all questions, concerns or issues, please contact the Joint Certification Program Office (JCO) at JCP-Helpdesk@dla.mil

Once Approved

- The person listed as the Data Custodian will receive the electronic copy of your form signed by the Canadian and U.S. representatives and bearing your certification number and a copy of the Approval Letter.
- Unless specifically annotated, *certification is typically valid for a period of five years.*

U.S./Canada Joint Certification Program Office

Defense Logistics Agency

Logistics Information Services-J34

HDI Federal Center 74 Washington Ave North Battle Creek, MI USA 49037-3084

Web: <https://www.dla.mil/HQ/LogisticsOperations/Services/JCP.aspx>

Important:

E-mail us at JCP-Helpdesk@dla.mil for all questions, concerns, or issues you have concerning JCP.

E-mail us at JCP-Admin@dla.mil for DD Form 2345 submissions and revisions.

When ready, submit as stated.

Processing time is at least 5 business days. The Data Custodian listed on the DD2345, will be notified within this timeframe if further information/clarification is required.

Once Approved, the Data Custodian listed on the D2345 will receive the electronic copy of the DD2345 signed by US and Canadian officials and a copy of the Approval letter

NOTE: If you are going to do business with the Defense Logistics Agency (DLA) additional certification steps are required. The certification for your company may take several weeks/months to be processed.

Things to know when dealing with
DoD Export-Controlled Documents

The information on the following slides is intended to help you understand what you should do when dealing with DoD export-controlled data/documents of any type. The information is a guideline, here's what we'll cover:

1. Understanding DoD Distribution Statements
2. Arms Export Control Act (AECA)
3. Export Control Reform (ECR)
4. Defining DoD export-controlled data/documents
5. Penalties for violating export-control laws and regulations
6. Understanding and notification of Export Control Compliance
7. Certification statement of Export Control Compliance

NOTE: This information is for introductory awareness only and does not take precedence over the regulatory requirements, instructions or directions proscribed by the Department of State or Department of Commerce.

Where information is unclear, conflicts or further clarification is required, individuals should consult the Directorate of Defense Trade Controls at: https://www.pmddtc.state.gov/?id=ddtc_public_portal_contact_us for ITAR related inquiries

OR the Bureau of Industry and Security at: <https://www.bis.doc.gov/index.php/about-bis/contact-bisforinquiresrelatedtotheExportAdministrationRegulations>

What is a DISTRIBUTION STATEMENT?

- Establishes a standard framework and markings for managing, sharing, safeguarding, and disseminating technical data/documents in accordance with policy and law.
- Enables document originators (controlling DoD Office) to signify to what extent technical documents must be controlled.

How do I know if it applicable to the documents I'm accessing/using?

- Newly created, revised, or previously unmarked classified and unclassified technical data/documents generated or managed by all DoD-funded research, development, test, and evaluation (RDT&E) programs, which are the basis of the DoD Scientific and Technical Information Program
 - Newly created engineering drawings, engineering data and associated lists, standards, specifications, technical manuals, technical reports, technical orders, blueprints, plans, instructions, computer software and documentation, catalog-item identifications, data sets, studies and analyses, and other technical information that can be used or be adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.
- * NOTE: The data may be in tangible form, such as a model, prototype, blueprint, photograph, plan, instruction, or an operating manual, or may be intangible, such as a technical service or oral, auditory, or visual descriptions.

What does a Distribution Statement code mean?

All newly created, revised, or previously unmarked classified and unclassified DoD technical documents shall be assigned Distribution Statement A, B, C, D, E, or F

DISTRIBUTION STATEMENTS Defined:

- DISTRIBUTION STATEMENT A: Approved for public release. Distribution is unlimited.
- DISTRIBUTION STATEMENT B: Distribution authorized to U.S. Government agencies only. Other requests for this document shall be referred to (insert controlling DoD office)
- DISTRIBUTION STATEMENT C: Distribution authorized to U.S. Government agencies and their contractors (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).
- DISTRIBUTION STATEMENT D: Distribution authorized to the Department of Defense and U.S. DoD contractors only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).
- DISTRIBUTION STATEMENT E: Distribution authorized to DoD Components only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office)
- DISTRIBUTION STATEMENT F: Further dissemination only as directed by (inserting controlling DoD office) (date of determination) or higher DoD authority.” Distribution Statement F may be applied under rare and exceptional circumstances when specific authority exists or when need-to-know must be verified.

Distribution Statements Continued:

- EXPORT CONTROL WARNING. All printed and electronic, including digital, technical documents that are determined to contain export-controlled technical data shall be marked with an export control warning. When it is technically infeasible to use the entire statement, an abbreviated marking may be used, and a copy of the full statement added to the “Notice To Accompany Release of Export-Controlled Data”

Sample of Export Control Warning

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administration Act of 1979 (Title 50, U.S.C., App. 2401 et seq.), as amended. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25.

* Note: While publications are being updated, export control warning statements may still reference the Export Administration Act of 1979 (Title 50 USC, App. 2401 et seq.) versus the new enactment of Export Control Reform (Title 50 USC, 4801-4851).

* For additional information related to Distribution Statements please refer to DoD Instruction 5230.24 <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/523024p.pdf?ver=2018-11-08-120712090>

What is the Arms Export Control Act?

- Arms Export Control Act (AECA, 22 USC §2778)
 - ❑ Provides the authority to control the export of defense articles and services, and charges the President to exercise this authority. Executive Order 13637 delegates this statutory authority to the Secretary of State.
- International Traffic in Arms Regulations (ITAR, 22 CFR §120-130)
 - ❑ Implements the authorities of the AECA. These regulations are regularly updated and revised to reflect change in the international political and security climate, as well as technological development.
- United States Munitions List (USML, 22 CFR §121)
 - ❑ Articles, services, and related technical data that are designated as defense articles or defense services pursuant to sections 38 and 47(7) of the AECA constitute the USML.
- Directorate of Defense Trade Controls (DDTC)
 - ❑ The Directorate of Defense Trade Controls (DDTC), Bureau of Political-Military Affairs, in accordance with 22 U.S.C. §2778-2780 of the AECA and the ITAR (22 CFR §120130), is charged with controlling the export and temporary import of defense articles and defense services covered by the USML.

What is Export Control Reform?

- Export Control Reform (ECR, 50 USC §4801 -4851)
 - ☐ Provide authority to regulate exports, to improve the efficiency of export regulation, and to minimize interference with the ability to engage in commerce.
- Export Administration Regulation (EAR, 15 CFR §730-774)
 - ☐ Regulations set forth in parts 730-774, inclusive, of Title 15 of the Code of Federal Regulations, designed primarily to implement Export Control Reform.
 - ☐ The EAR are issued by the United States Department of Commerce, Bureau of Industry and Security (BIS) under laws relating to the control of certain exports, reexports, and activities.
- Commerce Control List (CCL, 15 CFR§774)
 - ☐ A list of items under the export control jurisdiction of the Bureau of Industry and Security, U.S. Department of Commerce. Note that certain additional items described in part 732 of the EAR are also subject to the EAR. The CCL is found in Supplement No. 1 to part 774 of the EAR.

DoD Export-Controlled Technical Data is:

- Recorded information, regardless of the form or method of the recording, of a scientific or technical nature (including computer software documentation) that is subject to U.S. Federal export control regulations under the jurisdiction of the Department of State (DoS) as [Technical Data, 22 CFR§120.10] and Department of Commerce (DoC) as [Technology, 15 CFR§772.1]. The term does not include computer software or data incidental to contract administration, such as financial and/or management information.
- All Transfers of DoD export-controlled technical data must be conducted in accordance with U.S. Federal export-control regulations.

Transfer Requirements and Control for DoD Export-Controlled Technical Data:

- Transfers of DoD export-controlled technical data by purchasers, bidders, or transferees are subject to the requirements of the appropriate licensing department or agency. In many cases, an export license or other authorization may be required prior to transfer.
- With respect to DoD export-controlled technical data covered under the USML, registration of the purchaser's, bidder's, transferee's business with the DoS may also be required. It is the responsibility of the purchaser, bidder, transferee to determine what the applicable requirements may be and to obtain all necessary authorization or approvals.
- Controls Tangible / Intangible Transfers. The United States and other key supplier countries control the transfer of "technology" not in the public domain that is necessary for the development, production, or use of controlled commodities in the same ways that controls are maintained on transfers of the commodities themselves. Furthermore, the United States makes no legal distinction between "tangible" and "intangible" transfers of controlled technology, the form that the technology takes and the means of transfer is not relevant.
 - ❑ These U.S. Federal export-controls also cover all forms of transfer, including emails, faxes, and face-to-face conversations. Under U.S. law, providing controlled technology to a foreign person, whether within the U.S. or not, is deemed to be equivalent to physically exporting that technology to the country of the person's nationality.

Penalties for Violating the AECA:

- AECA (22 USC §2778(c) Criminal violations; punishment)
 - ❑ Any person who willfully violates any provision of this section, section 2779 of this title, a treaty referred to in subsection (j)(1)(C)(i), or any rule or regulation issued under this section or section 2779 of this title, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined for each violation not more than \$1,000,000 or imprisoned not more than 20 years, or both.

Penalties for Violating the ECR:

- ECR (50 USC §4819 (b) Criminal Penalty)

- ☐ A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids and abets in the commission of, an unlawful act described in subsection (a)(1) shall be fined not more than \$1,000,000; and (2) in the case of the individual, shall be imprisoned for not more than 20 years, or both.

- ECR (50 USC §4819 (c) Civil Penalty)

- ☐ Authority: The Secretary may impose the following civil penalties on a person for each violation by that person of this subchapter or any regulation, order, or license issued under this subchapter, for each violation:
 - (A) A fine of not more than \$300,000 or an amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed, whichever is greater.
 - (B) Revocation of a license issued under this subchapter to the person.
 - (C) A prohibition on the person's ability to export, reexport, or in-country transfer any items controlled under this subchapter.

Understanding and Notifications:

1. The use, disposition, export and re-export of this property is subject to all applicable U.S. Laws and Regulations, including but not limited to the Arms Export Control Act (22 USC 2751 et seq.); Export Control Reform (50 USC 4801-4851); Executive Order 13222, as amended; International Traffic in Arms Regulations (22 CFR 120 et seq.); Export Administration Regulations (15 CFR 730 et seq.); Foreign Assets Control Regulations (31 CFR 500 et seq.) and the Espionage Act (18 USC 793 et seq.); which, among other things, prohibit:
 - a) The making of false statements and concealment of any material information regarding the use or disposition, export or re-export of the property and
 - b) Any use, disposition, export or re-export of the property not permitted by applicable statute and regulation.
2. The submission of false or misleading information and/or concealment of any material facts regarding the use, disposition or export of this property may constitute a violation of provisions of 18 USC 793/1001, 22 USC 2778/2779, 50 USC 4819. Sanctions for violations will be in conformity with U.S laws and regulations (including Federal Acquisition Regulations and DoDI 2030.08) and may include the denial of U.S. export privileges and of any participation in future U.S. Government contracts.
3. Transfers of USML and CCLI property by purchasers/bidders/transferees are subject to the requirements of the appropriate licensing department or agency. In many cases, an export license or other authorization may be required. With respect to USML, registration of the purchaser's/bidder's/ transferee's business with the Department of the State may also be required. It is the responsibility of the purchaser/bidder/transferee to determine what the applicable requirements may be and to obtain all necessary authorization or approvals.
4. When USML/CCLI property is transferred, the information in this form regarding the above laws and regulations must be passed to the subsequent purchaser/receiver. Records of Resale in buyer's possession should be available for Trade Security Controls Office review, if requested.
5. The DD2345 number, Invitation For Bid and Sale/Exchange Contract number can be referenced when submitting an application for an export license or other authorization to the Department of State for USML or Department of Commerce for CCLI.
6. The Government expects the Purchaser/Recipient to cooperate with all authorized Government representatives to verify the existence and condition of USML/CCLI.