

U.S. DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
OFFICE OF EXPORTER SERVICES

EXPORT MANAGEMENT SYSTEMS
REVIEW MODULE

DRAFT DOCUMENT

A tool created for exporters to use to verify ongoing performance of EMS responsibilities.
This is an example to build upon and does not include all Export Administration
Regulations restrictions and prohibitions.

May 2000

| Administrative Element | Written Review Date _____ | Y | N | Operational Review | Date |
|---|------------------------------|---|---|--------------------|------|
| Element 1: Management Policy Statement | | | | Comments | |
| Clear commitment to export control from upper management to all employees involved with export related activities. | | - | - | | |
| <p>1. Are there written procedures to ensure consistent, ongoing maintenance of this Element?</p> <p>A. Is a responsible person designated to update the statement when management changes or at least annually?</p> <p>B. Is the policy included in employee training in:</p> <p>1) Orientation programs?</p> <p>2) Refresher training?</p> <p>3) Electronic training modules?</p> <p>4) Employee procedures manuals?</p> <p>C. Is the statement distributed to all export-related personnel?</p> <p>D. Is the statement communicated on an ongoing basis by:</p> <p>1) Company publications?</p> <p>2) Company awareness posters?</p> <p>3) Daily operating procedures?</p> <p>4) Other means, i.e. bulletin boards, in meetings, etc.?</p> | | - | - | | |
| <p>2. Is there a statement from management that communicates clear commitment to export control?</p> <p>A. Is it from current senior management? Signed? Dated?</p> <p>B. Does it explain why corporate commitment is important?</p> <p>C. Does it indicate that no sales will be made contrary to the US EAR?</p> <p>D. Does it convey the dual-use risk of the items to be exported?</p> <p>E. Does it address weapons of mass destruction activities concerns?</p> <p>1) nuclear proliferation?</p> <p>2) missile technology proliferation?</p> <p>3) chemical and biological proliferation?</p> <p>F. Does it contain a description of penalties applied in instances of compliance failure?</p> <p>1) Imposed by Department of Commerce?</p> <p>2) Imposed by your company?</p> <p>G. Does it include the name, position, e-mail address & telephone number of the person to contact with questions concerning the legitimacy of a transaction or possible violations?</p> | | - | - | | |
| 3. Are adequate resources dedicated to the maintenance of the EMS program? | | - | - | | |
| 4. Did export-related personnel have a copy of the statement? | | - | - | | |
| 5. Is the statement part of the new employee orientation training and refresher training? | | - | - | | |

| Administrative Element Element 2: Responsible Officials | Y | N | Operational Review Comments | Date_____ |
|--|---|---|--------------------------------|-----------|
| Written Review Date_____ Identification of personnel for all export control related functions, duties, responsibilities, positions, and employees in the firm. <hr/> | - | - | | |
| 1. Are there written procedures to identify all export control related personnel in the company? | - | - | | |
| 2. Is there a list that identifies individuals, their positions, addresses, telephone numbers, e-mail addresses, and their respective export control related activities? | - | - | | |
| A. Does it include all domestic sites? | - | - | | |
| B. Does it include all international sites? | - | - | | |
| 3. Has an EMS Administrator been designated for oversight of the program? | - | - | | |
| 4. Is there a system of back up personnel identified? | - | - | | |
| 5. Are export-related tasks clearly defined in written procedures? | - | - | | |
| 6. Does each export control person understand the importance of his/her function related to export compliance and where he/she fits in the overall flow? | - | - | | |
| 7. Are there any conflicts of interest in responsible offices (or individuals) and tasks? | - | - | | |

| Administrative Element Element 3: Recordkeeping | Written Review Date_____ | Y | N | Operational Review Comments | Date_____ |
|---|-----------------------------|---|---|--------------------------------|-----------|
| A program for recordkeeping required by the EAR as well as other administrative records. | | | | | |
| 1. Are there written procedures to ensure compliance with Export Administration Regulations requirements? | | - | - | | |
| A. Is an individual designated as responsible? | | - | - | | |
| B. Is the retention period defined? | | - | - | | |
| C. Is the physical location for storage defined? | | - | - | | |
| 2. Is there a list of records to maintain within the procedure? | | - | - | | |
| A. Does the list include the following Administrative Records : | | | | | |
| 1) Commodity Classification records? | | - | - | | |
| 2) Commodity Jurisdiction Letters? | | - | - | | |
| 3) Advisory Opinion Letters? | | - | - | | |
| 4) BXA 748P, Multipurpose Application Form? | | - | - | | |
| 5) BXA 748P-A, Item Appendix? | | - | - | | |
| 6) BXA 748P-B, End-User Appendix? | | - | - | | |
| 7) BXA 711, Statement by Ultimate Consignee and Purchaser? | | - | - | | |
| 8) Accompanying attachments, riders, or conditions? | | - | - | | |
| 9) International Import Certificates? | | - | - | | |
| 10) End-User Certificates? | | - | - | | |
| 11) License Exception TSR Written Assurances? | | - | - | | |
| 12) AES electronic filing authorization? | | - | - | | |
| 13) NDAA Reports? | | - | - | | |
| 14) High Performance Computer Records? | | - | - | | |
| 15) Transmittal and acknowledgment of license conditions? | | - | - | | |
| 16) Log administering control over use of Export/Reexport license? | | - | - | | |
| 17) Is a log maintained to ensure return or commodities previously exported under the License Exception TMP? | | - | - | | |
| 18) Is a log maintained to ensure License Exception LVS limits are not exceeded? | | - | - | | |
| 19) Humanitarian Donations GFT Records? | | - | - | | |
| B. Are there instructions for the accurate completion and filing for the following Transaction Records : | | | | | |
| 1) Commercial Invoices (with Destination Control Statement)? | | - | - | | |
| 2) Shippers Export Declarations? | | - | - | | |
| a) Description of item(s)? | | - | - | | |
| b) Export Control Classification Number(s)? | | - | - | | |
| c) License Number(s) | | - | - | | |
| d) License Exception Symbol(s)? | | - | - | | |
| e) Schedule B Number(s)? | | - | - | | |
| 3) Air Waybills and/or Bills of Lading? | | - | - | | |
| C. Is there conformity of the above documents? | | - | - | | |
| D. Does the list include Export Management System Manual and changes as well as EMS operating procedures? | | - | - | | |
| E. Does the list include a current copy of EAR with Export Administration Bulletin (EAB) Updates? | | - | - | | |
| F. Does the list include a copy of the current Denied Persons List | | - | - | | |

| Administrative Element Element 4. Training | Written Review Date_____ | Y | N | Operational Review Comments | Date_____ |
|---|-----------------------------|---|---|--------------------------------|-----------|
| An ongoing program of training and education to all employees, domestically and internationally, regarding the EAR requirements and EMS procedures. | | - | - | | |
| 1. Are there written procedures that describe an ongoing program of export control/compliance training and education? | | - | - | | |
| A. Is a qualified individual designated to conduct training? | | - | - | | |
| B. Is there a schedule to conduct training (including date, time, place?) | | - | - | | |
| C. What training materials are used (module, videos, manuals)? | | - | - | | |
| D. Are training materials current and accurate? | | - | - | | |
| E. Are attendance logs used for documentation which include, agenda, date, trainer, trainees, and subjects? | | - | - | | |
| F. Is frequency of training defined? | | - | - | | |
| G. Is a list of employees/positions defined who should receive export control/compliance training? | | - | - | | |
| 2. Do training methods include: | | | | | |
| A. Orientation of new employee(s)? | | - | - | | |
| B. Formal (structured setting, agendas, modules used)? | | - | - | | |
| C. Informal (less structured basis, verbal, daily, on-the-job exchanges)? | | - | - | | |
| D. Circulation of written memoranda and e-mails to a small number of personnel., (usually group specific instruction)? | | - | - | | |
| E. Refresher courses and update sessions scheduled? | | - | - | | |
| F. Back up personnel training? | | - | - | | |
| 3. Does content of training materials include: | | | | | |
| A. Organizational structure of export-related departments and functions? | | - | - | | |
| B. The role of the EMS Administrator and Key Contacts? | | - | - | | |
| C. U.S. export/reexport regulatory requirements? | | - | - | | |
| D. EMS company operating procedures? | | - | - | | |
| E. The purpose and scope of export controls? | | - | - | | |
| F. Licenses & Conditions/License Exceptions & parameters? | | - | - | | |
| G. Regulatory changes and new requirements? | | - | - | | |
| H. Destination and item restrictions? | | - | - | | |
| I. Order processing screens (i.e., Denied Persons List (“DPL”), Diversion-Risk etc.)? | | - | - | | |
| J. Procedure concerning exports/reexports with documented checks? | | - | - | | |
| K. New customer review procedures? | | - | - | | |
| L. Identification and description of non-compliance? | | - | - | | |

| Administrative Element Element 5: Internal Reviews | Written Review Date_____ | Y | N | Operational Review | Date_____ |
|---|-----------------------------|---|---|--------------------|-----------|
| An internal audit system or compliance review program. | | - | - | Comments | |
| 1. Are written procedures established to verify ongoing compliance? | | - | - | | |
| 2. Is there a qualified individual (or auditing group) designated to conduct internal reviews? | | - | - | | |
| 3. Is there a schedule for reviews? | | - | - | | |
| 4. Is there a description of the review process? | | - | - | | |
| 5. Is a review module or self-assessment tool used? | | - | - | | |
| If yes, does the review tool evaluate: | | | | | |
| A. Corporate management commitment in all aspects of the review--not just the Written Policy Statement Element? | | - | - | | |
| B. Formalized, written EMS procedures compared to operational procedures? | | - | - | | |
| C. A set of questions for each Element in the EMS written program to verify compliance? | | - | - | | |
| D. Accuracy & conformity of export transaction documents? | | - | - | | |
| E. Maintenance of documents, as required in the written EMS program. | | - | - | | |
| F. Correct authorization used? | | - | - | | |
| G. Are export control screens documented? | | - | - | | |
| H. Whether there is a current, accurate product/license determination matrix consistent with the current EAR and <i>Federal Register</i> notices? | | - | - | | |
| I. Whether there is a flow chart of the order processing system that clearly communicates export control screens? | | - | - | | |
| J. Whether there is a procedure to stop/hold transactions if problems arise? | | - | - | | |
| K. Whether all key export-related personnel are interviewed? | | - | - | | |
| L. Whether there are clear, open communication between all export-related divisions? | | - | - | | |
| M. How is the performance of export control checks verified on a daily basis? | | - | - | | |
| N. Does it include sampling of the completed screens performed during the order processing? | | - | - | | |
| O. Whether export control procedures and EMS manuals are consistent with EAR changes that have been published? | | - | - | | |
| P. Whether the company's training module and procedures are current with EAR and <i>Federal Register</i> notices? | | - | - | | |
| 5. Is there a written report of each internal review? | | - | - | | |
| A. Are there written results of the review? | | - | - | | |
| B. Is the appropriate manager notified if action is needed? | | - | - | | |
| C. Are internal reviews performed annually, every six months, quarterly, etc.? | | - | - | | |
| D. Are spot checks/informal self-assessments performed? | | - | - | | |
| E. Are they documented? | | - | - | | |
| 6. Is there evidence of a conflict of interest between the reviewer and the division being reviewed? | | - | - | | |
| 7. Is a history maintained of reviews to monitor repeated deficiencies? | | - | - | | |
| 8. Is there a "best practice" that should be shared with other divisions in the company to improve effectiveness and efficiency of export controls and promote consistency of procedures? | | - | - | | |
| 9. Are other Departments aware of their export control-related responsibilities, i.e., legal dept., human resources, information management., etc.) | | - | - | | |

| Administrative Element Element 6: Notification | Written Review Date _____ | Y | N | Operational Review Date _____ |
|---|------------------------------|---|---|----------------------------------|
| | | | | Comments |
| A system for notifying designated officials of possible non-compliance with the EAR | | - | - | |
| 1. Does the company have an on-going procedure for monitoring compliance of consignees, end-users and other responsible parties involved in export transactions? | | - | - | |
| 2. Are there internal procedures in place to notify management within the company if a responsible party is determined to be in non-compliance? | | - | - | |
| 3. Are there internal procedures in place to notify the appropriate U.S. Government officials when non-compliance is determined? (i.e., Export Administration's Office of Exporter Services ("OEXS"), Export Enforcement, etc.) | | - | - | |
| 4. Do all employees receive export control awareness training (think about potential deemed exports and hand-carry scenarios)? | | - | - | |
| 5. Has corporate policy been implemented which stresses to all employees an affirmative duty to notify export control officials in the event of possible non-compliance? | | - | - | |

| Order Processing Element | Written Review Date_____ | Y | N | Operational Review | Date_____ |
|--|-----------------------------|---|---|--------------------|-----------|
| An Order Processing System affixing responsibility for all required export control checks/reviews. | | | | Comments | |
| 1. Are there written procedures to ensure that checks and safeguards are in place within the order processing flow and responsibility for all checks are assigned? | | - | - | | |
| 2. Is the Order Processing System displayed visually in an order flow chart? | | - | - | | |
| 3. Is there a narrative that describes the process? | | - | - | | |
| 4. Are the following screens included in the order process? | | - | - | | |
| A. Are pre-order entry screen checks performed (i.e., know your customer red flags)? | | - | - | | |
| B. Is the DPL screen described? | | - | - | | |
| C. Is the Entity List screen described? | | - | - | | |
| D. Are the Antiboycott red flags considered? | | - | - | | |
| E. Is the nuclear screen performed? | | - | - | | |
| F. Is the missile technology screen performed? | | - | - | | |
| G. Is the chemical & biological weapons screen performed? | | - | - | | |
| H. Is the product/country licensing determination screen performed? | | - | - | | |
| I. Is the diversion risk screen performed? | | - | - | | |
| J. Does the Order Processing System procedure include a description of administrative control over the following documents: | | - | - | | |
| Shipper's Export Declaration (SED), Shippers' Letter of Instruction (SLI)? Airwaybills (AWB) and/or Bills of Lading? | | - | - | | |
| 5. Does the procedure explain the order process from receipt of order to actual shipment? | | - | - | | |
| 6. Does the procedure include who is responsible for each screen throughout the flow? | | - | - | | |
| 7. Does the procedure describe when and what screening is performed (frequency of screening)? | | - | - | | |
| 8. Are hold and cancel functions implemented? | | - | - | | |
| 9. Does the procedure clearly indicate who has the authority to make classification decisions? | | - | - | | |
| 10. Are supervisory or Export Control Administrator ("ECA") sign-off procedures implemented at high risk points? | | - | - | | |

| Screening Element Element 1: Denied Persons Screen (DPL) | Written Review Date _____ | Y | N | Operational Review Comments | Date _____ |
|--|------------------------------|---|---|--------------------------------|------------|
| A methodology for review of orders/shipments/transactions against the DPL. | | - | - | | |
| 1. Is there a written procedure to ensure screening of orders/shipments to customers covering servicing, training, and sales of items against the DPL? | | - | - | | |
| 2. Are persons/positions identified who are responsible for DPL screening (consider domestic and international designees)? | | - | - | | |
| 3. Is there a procedure to stop orders if a customer and/or other parties are found on the DPL? | | - | - | | |
| 4. Is there a procedure to report all names of customers and/or other parties found on the DPL? | | - | - | | |
| 5. Do the procedures include a process of what is used to perform the screening and if distribution of hard copies is required, who is responsible for their update and distribution? | | - | - | | |
| 6. Is the DPL checked against a customer base? A. Are both the customer name and principal checked? B. Is there a method for keeping the customer base current? C. Is there a method for screening new customers? | | - | - | | |
| 7. Is the DPL checked on a transaction base? | | - | - | | |
| A. Is the name of ordering party's firm and principal checked? | | - | - | | |
| B. Is the end-user identity available? If so, is a DPL check done on the end-user? | | - | - | | |
| C. Is the check performed at the time an order is accepted and/or received? | | - | - | | |
| D. Is the check performed at the time of shipment? | | - | - | | |
| E. Is the check performed against backlog orders when a new or updated DPL is published? | | - | - | | |
| 8. Does documentation of screen (whether hard copy or electronic signature) include: | | - | - | | |
| A. Name of individual performing the check? | | - | - | | |
| B. Date of screen performed? | | - | - | | |
| C. Date of current denied persons information used to perform the check? | | - | - | | |
| D. Is the date of the DPL used to check the transaction documented? Is it current? | | - | - | | |
| 9. Are other trade-related sanctions, embargoes and debarments imposed by agencies other than the Department of Commerce checked? | | - | - | | |
| A. Department of Treasury (Office of Foreign Assets Control): | | - | - | | 744.13 |
| 1) Specially Designated Terrorists? | | - | - | | 744.14 |
| 2) Specially Designated Nationals and Foreign Terrorist Organizations? | | - | - | | |
| B. Department of State: | | - | - | | |
| 1) Trade-related sanctions (Bureau of Politico-Military Affairs)? | | - | - | | |
| 2) Suspensions & debarments (Center for Defense Trade, Office of Defense Trade Controls)? | | - | - | | |
| 10. Are domestic transactions screened against the DPL? | | - | - | | |

| Screening Element | Y | N | Operational Review Comments | Date_____ |
|---|---|---|--------------------------------|------------------|
| Element 2. Product/Country License Determination Screen | | | | |
| A system for assuring compliance with export licensing decisions, product/country restrictions, License Exception Parameters, and License Conditions. | | | | |
| 1. Are there written procedures for assuring compliance with product and country export restrictions? | - | - | | |
| 2. Do procedures include reexport guidelines? | - | - | | |
| 3. Is there a written procedure that describes how items (including commodities, software, and technology) are <u>classified</u> under ECCNs on the CCL? | - | - | | |
| A. Does a technical expert within the company classify the items? | - | - | | |
| B. Does the manufacturer of the item classify the item? | - | - | | |
| C. Is there a written procedure that describes when a classification will be submitted to BXA and who will be responsible? | - | - | | |
| D. Is there a written procedure that describes commodity jurisdiction determinations? | - | - | | |
| 4. Is an individual designated to ensure that Product/Country License determination guidance is current and updated? | - | - | | |
| 5. Is a Matrix or Decision Table used? | - | - | | |
| A. Are instructions provided easily understood and applied? | - | - | | |
| B. Do instructions provided specify who, when, where and how to check each shipment against the matrix? | - | - | | |
| C. Does the matrix/table display ECCNs and product descriptions? | - | - | | |
| D. Appropriate shipping authorizations, License Required, License Exception(specify which) EAR 99, NLR? | - | - | | |
| E. Does the matrix communicate License Exception parameters/restrictions? | - | - | | |
| F. Are license conditions and restrictions included within the matrix/table? | - | - | | |
| G. Does the matrix/table cross reference items to be exported with license exceptions normally available (based on item description and end destination)? | - | - | | |
| H. Does the matrix/table clearly define what license exceptions may be available for each item (also clearly state which license exceptions may not be used due to General Prohibitions)? | - | - | | |
| I. Are country restrictions displayed? | - | - | | |
| J. Is country information up-to-date? | - | - | | |
| K. Are item restrictions displayed? (i.e., technical parameter limitations, end-user limitations.) | - | - | | |
| L. Are reporting prompts built into the matrix/table? | - | - | | |
| M. Are Wassenaar reports required? When? | - | - | | 750.7(d) |
| N. Is National Defense Authorization Act Notification (NDAA) required? | - | - | | 742.15 and 740.7 |
| O. Are NDAA Post shipment verifications required? | - | - | | |
| P. Is the matrix automated? | - | - | | |
| Q. Is the matrix manually implemented? | - | - | | |
| R. Is there a distribution procedure to ensure all appropriate users receive the tool and instructions for use? | - | - | | |
| S. Is there a list to indicate the name of the person responsible for using the tool? | - | - | | |

| Screening Element | Written Review Date_____ | Y | N | Operational Review Comments | Date_____ |
|--|-----------------------------|---|---|--------------------------------|-----------|
| Element 2. Product/Country License Determination Screen (contd.) | | | | | |
| <hr/> | | | | | |
| 6. Is there a “ hold” function to prevent shipments, if needed, during processing? | | - | - | | |
| 7. Is there a procedure to distribute and verify receipt of license conditions? | | - | - | | |
| A. Is there someone designated to distribute and follow-up with acknowledgment verification? | | - | - | | |
| B. Is there a response deadline defined when conditions are distributed? | | - | - | | |

| Screening Element Element 3: Diversion Risk Screen | Written Review Date | Y | N | Operational Review Comments | Date_____ |
|---|------------------------|---|---|--------------------------------|---------------------------|
| To review orders against a Diversion Risk Profile (DRP). | _____ | - | - | _____ | |
| 1. Are there procedures to screen orders for diversion risk red flag indicators? | | - | - | | Part 732, Supplement 3 |
| 2. Is a checklist used based upon the red flag indicators? | | - | - | | |
| 3. Does the written screening procedure identify the responsible individual who performs the screen check? | | - | - | | |
| 4. Is the DRP considered at all phases of the order processing system? | | - | - | | |
| 5. Is DRP performed on a transaction basis? | | - | - | | |
| 6. Is DRP performed on a customer base? | | - | - | | |
| 7. Is a checklist documented and maintained on file for each and <u>every</u> order? | | - | - | | |
| 8. Is a checklist documented and maintained on file in the <u>customer</u> profile? | | - | - | | |
| 9. Is the customer base checked at least annually against the red flag indicators or when a customer's activities change? | | - | - | | |
| 10. General Prohibition 6 - Prohibits export/reexport of items to embargoed destinations without proper license authority. Are embargoed destination prohibitions communicated on the product/country matrix and part of the red flag indicators? | | - | - | | |
| 11. General Prohibition 10 - prohibits an exporter from proceeding with transactions with knowledge that a violation has occurred or is about to occur. Is there anything that is suspect regarding the legitimacy of the transactions? | | - | - | | |
| 12. Are Missile Technology, Chemical and Biological Weapons, and Nuclear Screens performed? (See Screening Elements 4, 5, & 6 in the EMS Guidelines.) | | - | - | | |
| | | | - | | |

| Screening Element Element 4: Nuclear Screen | Y | N | Operational Review Comments | Date_____ |
|---|---|---|--------------------------------|-------------------|
| A system for assuring compliance with the prohibited nuclear end uses/users in Part 744.2 and 744.6 of the EAR and 744, Supplement 4. | - | - | | |
| 1. Prior to exporting, is there a written procedure for reviewing exports and reexports of all items subject to the EAR to determine whether they might be destined to be used directly or indirectly in any one or more of the prohibited of nuclear activities? | - | - | | 744.2 |
| 2. Is a person/position identified who is responsible for ensuring screening of customers and their activities against the prohibited end-uses/users? | - | - | | |
| 3. Does the procedure describe when the nuclear screen should be performed? | - | - | | 744, Supplement 4 |
| 4. Does the procedure include a check against the Entity List? | - | - | | |
| 5. If yes, is there a procedure to maintain documented Entity List screen decisions on file to verify consistent, operational review? | - | - | | |
| 6. Is your nuclear screen completed on a: A. transaction basis? B. against a customer base? C. before new customers are approved? | - | - | | |
| 7. Does the check include documentation of the signature/initial of the person performing the check, and the date performed to verify consistent, operational performance of the check? | - | - | | |
| 8. Is the customer base checked and the check documented at least annually in the Customer Profiles? (See EMS Guidelines, Screening Element 3, Diversion Risk Screen). | - | - | | |
| 9. Is it clear who is responsible for the annual check? | - | - | | |
| 10. Is there a list of all employees responsible for performing nuclear screening? | - | - | | |
| 11. Is there a procedure to verify that all responsible employees are performing the screening? | - | - | | |
| 12. Are nuclear checklists (or other tool) distributed to appropriate export control personnel for easy, efficient performance of the review? | - | - | | |
| 13. Have export/sales personnel been instructed on how to recognize prohibited nuclear end-use activities? | - | - | | 744.6 |
| 14. Does the procedure include a review of U.S. person activities against prohibited activities? | - | - | | |
| 15. Does the procedure include what to do if it is known that an item is destined to a prohibited end-use/user? | - | - | | |

| Screening Element | Written Review Date _____ | Y | N | Operational Review Comments | Date _____ |
|---|------------------------------|---|---|------------------------------------|------------|
| Element 5: Missile Technology (MT) Screen | | | | | |
| A system for assuring compliance with the prohibited missile end-uses/users in part 744.3 and 744.6 and 744, Supplement 4. | | | | | |
| 1. Prior to exporting, is there a written procedure for reviewing exports and reexports of all items subject to the EAR to determine whether the items: | - | - | - | 744.3 740, Supplement No. 1 | 744.3 |
| A. are destined to or for a project listed in the footnote to Country Group D:4? | - | - | - | | |
| B. or can be used in the design, development, production or use of missiles in or by a country listed in Country Group D:4, whether or not that use involves a listed project? | - | - | - | | |
| C. If D:4 countries are listed with the EMS procedures, are they current? | - | - | - | | |
| 2. Is a person/position identified who is responsible for ensuring screening of customers and their activities against the prohibited end-uses/users? | - | - | - | | |
| 3. Does the procedure describe when the missile technology screen should be performed? | - | - | - | 744, Supplement 4 | |
| 4. Does the procedure include a check against the Entity List? | - | - | - | | |
| 5. If yes, is there a procedure to maintain documented Entity List screen decisions on file to verify consistent, operational review? | - | - | - | | |
| 6. Is your missile screen completed on a: | - | - | - | | |
| A. transaction basis? | - | - | - | | |
| B. against a customer base? | - | - | - | | |
| C. before new customers are approved? | - | - | - | | |
| 7. Does the check include documentation of the signature/initial of the person performing the check, and the date performed to verify consistent, operational performance of the check? | - | - | - | | |
| 8. Is the customer base checked and the check documented at least annually in the Customer Profiles? | - | - | - | | |
| 9. Is it clear who is responsible for the annual check? | - | - | - | | |
| 10. Is there a list of all employees responsible for performing missile screening? | - | - | - | | |
| 11. Is there a procedure to verify that all responsible employees are performing the screening? | - | - | - | | |
| 12. Are missile checklists (or other tool) distributed to appropriate export control personnel for easy, efficient performance of the review? | - | - | - | | |
| 13. Have export/sales personnel been instructed on how to recognize prohibited missile end-use activities? | - | - | - | | |
| 14. Does the procedure include a review of U.S. person activities against prohibited activities? | - | - | - | | 744.6 |

| Screening Element | Y | N | Operational Review Comments | Date_____ |
|--|---|---|--------------------------------|-------------------------------------|
| Element 6: Chemical & Biological Weapons (CBW) Screen | | | | |
| A system for assuring compliance with the prohibited chemical & biological weapons end-uses/users in Part 744.4 and 744.6 and 744, Supplement 4. | - | - | | |
| 1. Prior to exporting, is there a written procedure for reviewing exports and reexports of all items subject to the EAR for license requirements if the item can be used in the design, development, production, stockpiling, or use of chemical or biological weapons in or by a country listed in Country Group D:3? | - | - | | 744.4 Part 740, Supplement No. 1 |
| NOTE: If D:3 countries are listed within the EMS procedures, are they current? | - | - | | |
| 2. Is a person/position identified who is responsible for ensuring screening of customers and their activities against the prohibited end-uses/users? | - | - | | Part 744, Supplement 4 |
| 3. Does the procedure describe when the chemical & biological weapons screen should be performed? | - | - | | |
| 4. Does the procedure include a check against the Entity List? | - | - | | |
| 5. If yes, is there a procedure to maintain documented Entity List screen decisions on file to verify consistent, operational review? | - | - | | |
| 6. Is your chemical & biological weapons screen completed on a: A. transaction basis? B. against a customer base? C. before new customers are approved? | - | - | | |
| 7. Does the check include documentation of the signature/initial of the person performing the check, and the date performed to verify consistent, operational performance of the check? | - | - | | |
| 8. Is the customer base checked and the check documented at least annually in the Customer Profiles? | - | - | | |
| 9. Is it clear who is responsible for the annual check? | - | - | | |
| 10. Is there a list of all employees responsible for performing chemical & biological weapons screening? | - | - | | |
| 11. Is there a procedure to verify that all responsible employees are performing the screening? | - | - | | |
| 12. Are chemical & biological weapons checklists (or other tools) distributed to appropriate export control personnel for easy, efficient performance of the review? | - | - | | |
| 13. Have export/sales personnel been instructed on how to recognize prohibited chemical & biological weapons end-use activities? | - | - | | 744.6 |
| 14. Does the procedure include a review of U.S. person activities against prohibited activities? | - | - | | |

| Screening Element | Written Review Date_____ | Y | N | Operational Review | Date_____ |
|--|-----------------------------|---|---|--------------------|-----------|
| | | | | Comments | _____ |
| Element 7: Antiboycott Compliance Screen | | | | | |
| A Method to Review Orders Against Antiboycott Compliance Red Flags. | | | | | |
| <hr/> | | | | | |
| 1. Is there a written procedure to screen transactions and orders/shipping documents against antiboycott red flags? | - | - | | | |
| 2. Are persons/positions identified who are responsible for performing this screen? | - | - | | | |
| 3. Is the antiboycott screening performed by using a profile check list? | - | - | | | |
| 4. Does the checklist include the following: A. the firm's name? B. name/initials of individual performing the screen check? C. date screen check is performed? | - | - | | Part 760 | |
| 5. Is there a procedure to "hold" orders if there is a red flag during the processing of orders? | - | - | | | |
| 6. Is a person designated to resolve red flags or report them to the Office of Antiboycott Compliance? | - | - | | | |
| 7. Have all units that might possibly come into contact with the red flags been trained to identify the red flags? | - | - | | | |
| 8. Are antiboycott red flags included in training materials in Element 4? | - | - | | | |

| Screening Element | Written Review Date_____ | Y | N | Operational Review Comments | Date_____ |
|---|-----------------------------|---|---|--------------------------------|------------------------|
| Element 8: Informed Letter/Entity List Screen | | | | | |
| A Procedure to Review Customers and Other Parties Against the Entity List. | | | | | |
| _____ | | | | | |
| 1. Is there a written procedure to screen transactions against the Entity List to determine whether a license is required for exports or reexports of specified items to specified end-users, because BXA has determined that there is an unacceptable risk of use in, or diversion to prohibited proliferation activities? | - | - | | | Part 744, Supplement 4 |
| 2. Is the screening documented, including the following? A. the firm's name? B. name/initials of individual performing the check? C. date check is performed? D. is screen check combined and performed with another check (i.e., Denied Persons List check)? | - | - | - | | |
| 3. Is the <i>Federal Register</i> monitored daily for the addition of new entities to the Entity List? | - | - | | | |
| 4. If matches occur, is there a "hold" function implemented within the order processing system that stops the order until a decision is made as to whether a license is required? | - | - | | | |

Overall Evaluation

Was management commitment demonstrated throughout the system? Adequate resources to do the tasks?

Was ongoing export control communication demonstrated?

Are the written procedures current?

Are the written procedures consistent with operational procedures? If not, which needs to be amended..written or operational?

Were designated responsible persons (names current?) well trained in export control tasks?

Were there gaps in performance of export management procedures or was a smooth "SYSTEM" in place?

Was adequate documentation in place to verify performance of all export control tasks?

Assess the stability of the environment: recent company-wide changes? New export control personnel?