U.S. DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY & SECURITY
OFFICE OF EXPORTER SERVICES
EXPORT MANAGEMENT & COMPLIANCE DIVISION
www.bis.doc.gov

EXPORT MANAGEMENT & COMPLIANCE PROGRAM

Audit Module:
Self-Assessment Tool

July, 2011

Introduction

This is a tool created for exporters to aid in the development of an Export Management and Compliance Program. It may be used to create a new program or to assess whether internal controls have been implemented within an existing program with the purpose of eliminating common vulnerabilities found in export compliance programs. Each company has unique export activities and export programs; therefore, this is an example to build upon and does not include ALL Export Administration Regulations restrictions and prohibitions.

This tool is a combination of best compliance practices implemented by U.S. companies, auditing practices, and Export Administration Regulations requirements.

Methodology

An effective EMCP consists of many processes that connect and intersect. The connections and intersections must be planned, and then, clear directions must be given to those who are to follow the rules of the program. Without maps (instructions), chances are that personnel will all go in their own directions, leaving them vulnerable to getting lost on the way and chancing that key connections are missed, resulting in violations of the intended rules of the program. To use this self-assessment, first look to see if your program includes written instructions that create the connections and intersections needed to maintain compliance.

Within the self-assessment columns, "Y/N/U" stands for Yes/No/Uncertain or Indeterminate.

PRE-AUDIT CHECKLIST

- Identify business units and personnel to be audited.
- Send e-mail notification to affected parties.
- Develop a tracking log for document requests.
- Prepare audit templates such as interview questions, transactional review checklist, audit report format, etc.
- Each business unit should provide their written procedures related to export compliance before the audit.
- Personnel at all levels of the organization, management and staff, should be interviewed to compare written procedures with actual business practices.
- Identify gaps and inconsistencies.

POST-AUDIT CHECKLIST

- Write draft audit report.
    - Executive Summary [Purpose, Methodology, Key Findings]
    - Findings and Recommendations [Organize in Priority Order]
    - Appendices [Interview List, Document List, Process Charts]
- Conduct post-audit briefing for affected business units to discuss audit findings and recommendations. Provide draft report. This is an opportunity for business units to address inaccuracies in report.
- Obtain commitment from business units for corrective action. Include in audit report.
- Brief executive management on audit findings and recommendations.
- Track corrective actions. Within the year, audit corrective actions.

ELEMENT 1: Management Commitment	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Is management commitment communicated on an ongoing basis by: Company publications? Company awareness posters? Daily operating procedures? Other means, e.g., bulletin boards, in meetings, etc.?				
Does management issue a formal Management Commitment Statement that communicates clear commitment to export controls?				
Is the formal Statement distributed to all employees and contractors?				
Who is responsible for distribution of the Statement?				
Is there a distribution list of those who should receive the Statement?				
What method of communication is used (letter, email, intranet, etc.)?				
Does the distribution of the Statement include employee signed receipt and personal commitment to comply?				
Is the formal Statement from current senior management communicated in a manner consistent with management priority correspondence?				
Does the formal Statement explain why corporate commitment is important from your company's perspective?				
Does the formal Statement contain a policy statement that no sales will be made contrary to the Export Administration Regulations?				
Does the formal Statement convey the dual-use risk of the items to be exported?				

ELEMENT 1: Management Commitment	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Does the formal Statement emphasize End-Use/End-User prohibitions? Proliferation activities of concerns: • Nuclear? • Certain Rocket Systems and Unmanned Air Vehicles? • Chemical and Biological Weapons?				
Does the formal Statement contain a description of penalties applied in instances of compliance failure? • Imposed by the Department of Commerce? • Imposed by your company?				
Does the formal Statement include the name, position, and contact information, such as: e-mail address & telephone number of the person(s) to contact with questions concerning the legitimacy of a transaction or possible violations?				
What management records will be maintained to verify compliance with procedures and processes (including the formal Statement)?				
Who is responsible for keeping each of the management records?				
How long must the records be retained?				
Where will the records be maintained?				
In what format will the records be retained?				
Are adequate resources (time, money, people) dedicated to the implementation and maintenance of the EMCP?				
Is management directly involved through regularly scheduled meetings with various units responsible for roles within the EMCP?				
Is management involved in the auditing process?				

ELEMENT 1: Management Commitment	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Has management implemented a team of EMCP managers who meet frequently to review challenges, procedures and processes and who serve as the connection to the employees who perform the EMCP responsibilities?				
Does the Statement describe where employees can locate the EMCP Manual (on the company intranet or specific person and location of hard copies)?				
Are there written procedures to ensure consistent, operational implementation of this Element?				
Is a person designated to update this Element, including the Management Commitment Statement, when management changes, or at least annually? (Note in comments the name of the person.)				
Who are other employees who are held accountable for specific responsibilities under this Element? For example: • Company Official charged with EMCP oversight and ongoing commitment to the program. • Management Team Members who are responsible for connecting with all responsible employees in the EMCP. • Persons charged with ensuring the EMCP is functioning as directed by management.				
If the primary responsible person is unable to perform the responsibilities, is a secondary person designated to backup the primary designee? (If not, is a procedure in place to eliminate vulnerabilities of an untrained person proceeding with tasks that might lead to violations of the EAR?)				
Do responsible persons understand the interconnection of their roles with other EMCP processes and where they fit in the overall export compliance system?				

ELEMENT 1: Management Commitment	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Is the message of management commitment conveyed in employee training through: Orientation programs? Refresher training? Electronic training modules? Employee procedures manuals? Other?				
Is management involved in EMCP training to emphasize management commitment to the program?				
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Are there written procedures for ensuring compliance with product and country export restrictions?				
Do procedures include reexport guidelines or any special instructions?				
Is there a written procedure that describes how items are classified under ECCNs on the CCL? A. Does a technical expert within the company classify the items? B. If your company does not manufacture the item, does the manufacturer of the item classify it? C. Is there a written procedure that describes when a classification will be submitted to BIS and who will be responsible? D. Is there a written procedure that describes the process for seeking commodity jurisdiction determinations?				
Is an individual designated to ensure that product/country license determination guidance is current and updated?				
Is there a distribution procedure to ensure all appropriate users receive the guidance and instructions for use?				
Is there a list that indicates the name of the persons responsible for using the guidance?				
Is a Matrix or Decision Table for product/country license determinations used? Are the instructions provided easily understood and applied?				
Do the instructions provided specify who, when, where, and how to check each shipment against the matrix?				
Does the matrix/table display ECCNs and product descriptions?				
Appropriate shipping authorizations, License Required, License Exception (specify which), or NLR?				
Does the matrix communicate License Exception parameters/restrictions?				
Are license conditions and restrictions included within the matrix/table?				
Does the matrix/table cross reference items to be exported with license exceptions normally available (based on item description and end destination)?				.

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Does the matrix/table clearly define which license exceptions are normally available for each item (also clearly state which license exceptions may not be used due to General Prohibitions)?				
Are embargoed destinations displayed?				
Is country information in the table up-to-date?				
Are item restrictions displayed? (i.e., technical parameter limitations, end-user limitations)				
Is the matrix automated? Is a person designated for updating the tool?				
Are reporting prompts built into the matrix/table?				
Are Wassenaar reports required? Does the matrix/table denote when they are required?				
Is the matrix manually implemented? If so, is a person designated to update the tool?				
Is there a "hold" function to prevent shipments from being further processed, if needed?				
Is there a procedure to distribute and verify receipt of license conditions?				
Is there someone designated to distribute and follow-up with acknowledgment verification?				
Is there a response deadline defined when conditions are distributed?				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Are there written procedures to ensure that checks and safeguards are in place within the internal process flows, and are there assigned personnel responsible for all checks?				
Is the order process and all linking internal flows displayed visually in a series of flow charts?				
Is there a narrative that describes the total flow process?				
Are the following checks included in the internal process?				
• Pre-order entry screen checks performed (i.e., know your customer red flags)				
• Denied Persons				
• Entity List				
• Unverified List				
• Specially Designated Nationals List				
• Boycott language				
• Nuclear End-Uses				
• Certain Rocket Systems and Unmanned Air Vehicles End-Uses				
• Chemical and Biological Weapons End-Uses				
• Product/Country Licensing Determination				
• Diversion Risk Check				
Do the order process and other linking processes include a description of administrative control over the following documents: Shipper's Export Declarations (SED)/AES Records, Shipper's Letter of Instruction (SLI)? Airway bills (AWB) and/or Bills of Lading, Invoices?				
Does the procedure explain the order process and other linking processes from receipt of order to actual shipment?				
Does the procedure include who is responsible for each screen/check throughout the flow?				
Does the procedure describe when, how often, and what screening is performed?				
Are hold/cancel functions implemented?				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Does the procedure clearly indicate who has the authority to make classification decisions?				
Are supervisory or EMCP Administrator sign-off procedures implemented at high risk points?				
Does the company have an on-going procedure for monitoring compliance of consignees, end-users and other parties involved in export transactions?				
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Review orders/transactions against the Denied Persons List (DPL)**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Is there a written procedure to ensure screening of orders/shipments to customers covering servicing, training, and sales of items against the DPL?				
Are personnel/positions identified who are responsible for DPL screening (consider domestic and international designee)?				
Is there a procedure to stop orders if a customer and/or other parties are found on the DPL?				
Is there a procedure to report all names of customers and/or other parties found on the DPL?				
Do the procedures include a process for what is used to perform the screening, and if distribution of hard copies is required, who is responsible for their update and distribution?				
Is the DPL checked against your 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?				
Is the DPL checked on a transaction-by-transaction basis? A.) Is the name of the ordering party's firm and principal checked? B.) Is the end-user's 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?				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Review orders/transactions against the Denied Persons List (DPL)**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Does documentation of screen (whether hard copy or electronic signature) include: A.) Name of individuals performing the checks? B.) Dates screen-checks performed? C.) Date of current denied person's information used to perform the check? D.) Is the date of the DPL used to check the transaction documented? Is it current?				
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): 1.) Specially Designated Terrorists? 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)?				
Are domestic transactions screened against the DPL?				
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Diversion Risk Profile (DRP)** **See EAR Part 732, Supplements 1 & 3**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Are there procedures to screen orders for diversion risk red flag indicators?				
Is a checklist used based upon the red flag indicators?				
Does the written screening procedure identify the responsible individuals who perform the screen checks?				
Is the DRP considered at all phases of the order processing system?				
Is a transaction-based DRP performed?				
Is a customer-based DRP performed?				
Is a checklist documented and maintained on file for each and every order?				
Is a checklist documented and maintained on file in the customer profile?				
Is the customer base checked at least annually against the red flag indicators or when a customer's activities change?				
General Prohibition 6 - Prohibits export/reexports of items to embargoed destinations without proper license authority. Are embargoed-destinations prohibitions communicated on the product/country matrix and part of the red flag indicators?				
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?				
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Prohibited nuclear end-uses/users, EAR, Section 744.2**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Are there written procedures for reviewing exports and reexports of all items subject to the EAR to determine, prior to exporting, whether they might be destined to be used directly or indirectly in any one or more of the prohibited nuclear activities?				
Are personnel/positions identified who are responsible for ensuring screening of customers and their activities against the prohibited end-uses?				
Does the procedure describe when the nuclear screen should be performed?				
A.) Is your nuclear screen completed on a transaction-by-transaction basis? B.) Is the screen conducted against an established customer base? If yes, is there a procedure for screening each new customer before the new customer is added to that customer base? C.) Is the nuclear screen completed before a new customer is approved?				
Is there a list of all employees responsible for performing nuclear screening?				
Does the check include documentation with the signature/initials of the person performing the check, and the date performed, to verify consistent operational performance of the check?				
Is the customer base checked and the check documented at least annually in the Customer Profiles? (See EMCP Guidelines, Diversion Risk Screen).				
Is it clear who is responsible for the annual check?				
Is there a procedure to verify that all responsible employees are performing the screening?				
Are nuclear checklists (and/or other tools) distributed to appropriate export-control personnel for easy, efficient performance of the review?				
Have export/sales personnel been instructed on how to recognize situations that may involve prohibited nuclear end-use activities?				
Does the procedure include what to do if it is known that an item is destined to a nuclear end-use/user?				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Prohibited nuclear end-uses/users, EAR, Section 744.2**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Rocket Systems & Unmanned Air Vehicles Prohibited missile end-uses/users, EAR, Section 744.3**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Are there written procedures for reviewing exports and reexports of all items subject to the EAR to determine, prior to exporting, whether the items are destined for a prohibited end-use?				
Are personnel/positions identified who are responsible for ensuring screening of customers and their activities against the prohibited end-users/users?				
Does the procedure describe when the missile systems and unmanned air vehicles screen should be performed?				
Does the procedure include a check against the Entity List?				
If yes, is there a procedure to maintain documented Entity List screen decisions on file to verify consistent operational review?				
A.) Is your rocket/UAV screen completed on a transaction-by-transaction basis? B.) Is the screen conducted against an established customer base? If yes, is there a procedure for screening each new customer before the new customer is added to that customer base? C.) Is the rocket/UAV screen completed before the new customer is approved?				
Does the check include documentation with the signature/initials of the person performing the check, and the date performed, to verify consistent operational performance of the check?				
Is the customer base checked and the check documented at least annually in the Customer Profiles?				
Is it clear who is responsible for the annual check?				
Is there a list of all employees responsible for the annual check?				
Is there a procedure to verify that all responsible employees are performing the screening?				
Are missile systems and unmanned air vehicles checklists (and/or other tools) distributed to appropriate export-control personnel for easy, efficient performance of the review?				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Rocket Systems & Unmanned Air Vehicles Prohibited missile end-uses/users, EAR, Section 744.3**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Have export/sales personnel been instructed on how to recognize prohibited missile systems and unmanned air vehicles end-use activities?				
Does the procedure include what to do if it is known that an item is destined to a prohibited end-use/user?				
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Prohibited chemical & biological weapons (CBW) end-uses/users, EAR, Section 744.4**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Are there written procedures for reviewing exports and reexports of all items subject to the EAR for license requirements, prior to exporting, if the item can be used in the design, development, production, stockpiling, or use of chemical or biological weapons?				
Are personnel/positions identified who are responsible for ensuring screening of customers and their activities against the prohibited end-use/users?				
Does the procedure describe when the chemical & biological weapons screen should be performed?				
A.) Is your chemical & biological weapons screen completed on a transaction-by-transaction basis? B.) Is the screen conducted against an established customer base? If yes, is there a procedure for screening each new customer before the new customer is added to that customer base? C.) Is your chemical & biological weapons screen completed before the new customer is approved?				
Does the check include documentation with the signature/initials of the person performing the check, and the date performed, to verify consistent operational performance of the check?				
Is the customer base checked and the check documented at least annually in the Customer Profiles?				
Is it clear who is responsible for the annual check?				
Is there a list of all employees responsible for performing chemical & biological weapons screening?				
Is there a procedure to verify that all responsible employees are performing the screening?				
Are chemical & biological weapons checklists (and/or other tools) distributed to appropriate export-control personnel for easy, efficient performance of the review?				
Have export/sales personnel been instructed on how to recognize prohibited chemical & biological weapons end-use activities?				
Does the procedure include what to do if it is known that an item is destined to a prohibited end-use/user?				
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Review orders/transactions against Antiboycott Compliance Red Flags.**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Is there a written procedure to screen transactions and orders/shipping documents for restrictive trade practice or boycott language included in Part 760 of the EAR?				
Are personnel/positions identified who are responsible for performing this screen?				
Is the antiboycott screening performed by using a profile check list?				
Does the checklist include the following: A.) The firm's name? (as "Consignee") B.) Name/initials of personnel performing the screen check? C.) Date screen check is performed?				
Is there a procedure to "hold" orders if there is a red flag during the processing of orders?				
Is a person designated to resolve red flags or report them to the BIS Office of Antiboycott Compliance?				
Have all units that might possibly come into contact with the red flags been trained to identify the red flags?				
Are antiboycott red flags included in training materials?				
Determination:				

ELEMENTS 2 & 5: Risk Assessment & Cradle-to-Grave Export Compliance Security & Screening **Review customers & other parties against the Entity List.**	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Is there a written procedure to screen transactions against the Entity List to determine whether there are any license requirements in addition to normal license requirements for exports or reexports of specified items to specified end-users, based on BIS' determination that there is an unacceptable risk of use in, or diversion to, prohibited proliferation activities?				
Is the screening documented, including the following? A.) The firm's name? B.) Names/initials of individuals performing the check? C.) Date checks are performed? D.) Is screen check combined and performed with another check (e.g., Denied Persons List check)?				
Is the Federal Register monitored daily for the addition of new entities to the Entity List?				
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 license requirements?				
Determination:				

ELEMENT 3: A Formal Written EMCP	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Are there written procedures that describe how information will flow among all the Elements to help ensure EMCP effectiveness and accountability?				
Is the written EMCP developed and maintained with input from all the corporate stakeholders in the export process?				
Do the written procedures clearly describe detailed step-by-step processes that employees are expected to follow, and are contingencies addressed?				
Are the written procedures reviewed for update at least annually and when major changes occur?				
Are the written and operational procedures consistent?				
Has an Administrator been designated for oversight of the EMCP?				
Is there a table that identifies individuals, their positions, addresses, telephone numbers, e-mail addresses, and their respective export transaction and compliance responsibilities? Does it include all domestic sites? Does it include all international sites?				
Is a person designated as responsible for management and maintenance of this Element?				
Is a person assigned responsibility for distribution of information related to this Element?				
Is a person assigned to retain the records?				
Is the length of time the records are to be retained included?				
Is the location of where the records are to be retained included?				
Is the format of the records to be retained included?				

ELEMENT 3: A Formal Written EMCP	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
If the primary responsible persons are unable to perform the assigned responsibilities, are secondary persons designated to back-up the primary designees? Where there are no backup designees, are there procedures in place to prevent untrained/unauthorized personnel from taking action?				
Are all EMCP tasks clearly summarized in this Element and consistent with detailed information in other corresponding Elements?				
Does each employee designated with tasks understand the importance of his/her role related to the overall export compliance system?				
Do the responsible persons understand how the processes they are responsible for connect to the "next" process? ("...and then what happens next?")				
Do all the appropriate personnel have the ability to hold a questionable transaction?				
Are the necessary systems to allow employees to perform their tasks readily available to them?				
Is training for understanding and use of the EMCP provided on a regular basis to the necessary employees, and are records of the training kept?				
Based on an organization chart and assignment of tasks, does it appear that there are conflicts of interest in the chain of command and the tasks to be performed?				
Determination:				

ELEMENT 4: Training	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Are there written procedures that describe an ongoing program of export transaction/compliance training and education?				
Do the written procedures clearly describe detailed step-by-step processes that employees are expected to follow?				
Is a qualified individual designated to conduct training and to update the training materials? (Note in comments the name of the person.)				
If the primary responsible person is unable to perform the responsibilities, is a secondary person designated to back-up the primary designee? (If not, is a procedure in place to eliminate vulnerabilities of an untrained person proceeding with tasks that might lead to violations of the EAR?)				
Is there a schedule to conduct training (including date, time, and place)?				
Does the training component of the EMCP include what training materials are used (module, videos, and manuals)?				
Are training materials accurate, consistent and current with operational company policy, procedures and processes? (If not, note in the comments section what corrective actions are needed.)				
Are attendance logs used for documentation which includes agenda, date, trainer, trainees, and subjects?				
Is frequency of training defined?				
Is a list of employees/positions defined who should receive export control/compliance training?				
Are responsible persons trained to understand the interconnection of their roles with other EMCP processes and where they fit in the overall export transaction/compliance program?				
Is the list of employees/positions to be trained consistent with other Elements?				
Is a person identified and responsible for keeping the training records?				
Is the location of where these training records are to be maintained included?				
Is the format of how these training records will be maintained noted?				

ELEMENT 4: Training	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Do training methods include: • Orientation for new employees? • Formal (structured setting, agenda, modules used)? • Informal (less structured basis, verbal, daily, on- the-job exchanges)? • Circulation of written memoranda and e-mails to a small number of personnel, (usually group specific instruction)? • Refresher courses and update sessions scheduled? • Employee desk procedure manuals? • Back-up personnel training?				
Does content of training materials include: • Organizational structure of export-related departments and functions? • Message of management commitment - Policy Statement • The role of the EMCP Administrator and Key Contacts? • U.S. export/reexport regulatory requirements? • EMCP Company operating procedures? • The purpose and scope of export controls? • Licenses & Conditions/License Exceptions & parameters? • Regulatory changes and new requirements? • Destination restrictions? • Item restrictions? • End-Use and End-User Prohibitions? • How to perform and "document" screens and checklists? • Various process flows for each element? • New customer review procedures? • Identification and description of non-compliance?				
Determination:				

ELEMENT 6: Recordkeeping (EAR, Part 762)	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Are there written procedures to comply with recordkeeping requirements?				
Do the written procedures clearly describe detailed step-by-step processes that employees are expected to follow?				
Are all records in each process included in the records maintained?				
Are the written procedures reviewed for update at least annually and when significant changes occur?				
Are the written and operational procedures consistent?				
Is there a designated employee responsible for management and maintenance of this Element? Is name and contact information provided?				
Identify all other employees who are held accountable for specific responsibilities under this Recordkeeping Element?				
Do the designated employees know who is responsible for the next action to be taken in the process?				
If the primary responsible person is unable to perform the responsibilities, is a secondary person designated to backup the primary designee? Where there are no backup designees, are there procedures in place to prevent untrained/unauthorized personnel from taking action?				
Do employees understand the importance of their roles related to the overall recordkeeping requirement?				
Do employees have the appropriate budgetary, staff, and supporting resources to perform their responsibilities?				
Do employees have access to all the appropriate systems, tools, databases, and records to perform their responsibilities and ensure compliance with recordkeeping procedures?				
Is appropriate and specific training provided regarding this Element?				
Is the training included on an annual schedule of employee training?				
Have appropriate parties been identified who will retain records? Are names and contact information provided?				
Has the length of time for record-retention been identified?				

ELEMENT 6: Recordkeeping (EAR, Part 762)	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Have secure physical and electronic storage locations for records been identified for the retention of records?				
Have determinations been made regarding the formats that all of the different types of records will be retained in?				
Is there a list of records that are to be maintained (see Guidelines and below for checklists)?				
Does the procedure include a list of records to maintain, including the following: **Administrative Records:** Commodity Classification records? Commodity Jurisdiction letters? Advisory Opinion letters? Copy of the EMCP BIS 748P, Multipurpose Application Form BIS 748P-A, Item Appendix BIS 748P-B, End-User Appendix BIS 711 Statement by Ultimate Consignee and Purchaser? Electronic version BIS 748P, Simplified Network Application Process (SNAP) ACCN Number? Accompanying attachments, rider or conditions? International Import Certificates? End-user Certificates? License Exception TSR Written Assurance? AES Electronic Filing Authorization? High Performance Computer Records? Transmittal and acknowledgement of license condition Log administering control over use of Export/Reexport license? Is a log maintained to ensure return or commodities previously exported under License Exception TMP? Is a log maintained to ensure License Exception LVS limits are not exceed? Humanitarian Donations GFT Records?				
Are there instructions for the accurate completion and filing of the following **Transaction Records**: 1) Commercial Invoices? 2) AES electronic filing authorization? a) Description of items(s) b) ECCN(s) c) License Number d) License Exception Symbols or Exemptions e) Schedule B number(s) 3) Air Waybills and/or Bills of Lading Value of shipments				
Is there conformity regarding the above documents?				

ELEMENT 6: Recordkeeping (EAR, Part 762)	Y	N	U	Initials _____ Date _____ Comments
Determination:				

ELEMENT 7: Audits/Assessments	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
Are written procedures established to verify ongoing compliance?				
Is there a qualified individual (or auditing group) designated to conduct internal audits?				
Is there a potential conflict of interest between the auditor and the division being audited?				
Is there a schedule for audits? Are internal reviews performed annually, every six months, quarterly, etc.?				
Is there a step-by-step description of the audit process?				
Is a standard audit module or self-assessment tool used?				
If yes, does the audit module or self-assessment tool evaluate: Corporate management commitment in all aspects of the audit not just the Written Policy Statement Element?				
If yes, does the audit module or self-assessment tool evaluate: Formalized, written EMCP procedures compared to operational procedures?				
If yes, does the audit module or self-assessment tool evaluate: Accuracy & conformity of export transaction documents by random sampling or 100% verification?				
If yes, does the audit module or self-assessment tool evaluate: Whether there is a current, accurate product/license determination matrix consistent with the current EAR and Federal Register notices?				
If yes, does the audit module or self-assessment tool evaluate: Whether correct export authorizations were used for each transaction?				
If yes, does the audit module or self-assessment tool evaluate: Maintenance of documents, as required in the written EMCP.				
If yes, does the audit module or self-assessment tool evaluate: Whether internal control screens were performed and documented as required in the EMCP?				
If yes, does the audit module or self-assessment tool evaluate: Whether there are flow charts of the various processes for each Element?				
If yes, does the audit module or self-assessment tool evaluate: What is used to provide verification that the audits were conducted?				

ELEMENT 7: Audits/Assessments	**Y**	**N**	**U**	**Initials _____ Date _____** **Comments**
If yes, does the audit module or self-assessment tool evaluate: Whether there is a procedure to stop/hold transactions if problems arise?				
If yes, does the audit module or self-assessment tool evaluate: Whether all key export-related personnel are interviewed?				
If yes, does the audit module or self-assessment tool evaluate: Whether there are clear, open communications between all export-related divisions?				
If yes, does the audit module or self-assessment tool evaluate: Whether there is daily oversight over the performance of export control checks?				
If yes, does the audit module or self-assessment tool evaluate: Does it include sampling of the completed screens performed during the order processing and/or new (or annual) customer screening?				
If yes, does the audit module or self-assessment tool evaluate: Whether export control procedures and the EMCP manual are consistent with EAR changes that have been published?				
If yes, does the audit module or self-assessment tool evaluate: Whether the company's training module and procedures are current with EAR and Federal Register notices?				
Is there a written report of each internal audit?				
Are there written results of the review?				
Is the appropriate manager notified, if action is needed?				
Are spot checks/informal self-assessments performed? Are they documented?				
Is there evidence of a conflict of interest between the reviewer and the division being reviewed?				
Are records of past audits maintained to monitor repeated deficiencies?				
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?				
Are other departments aware of their export-control-related responsibilities, e.g., legal dept., human resources, information management, etc.?				
Determination:				

ELEMENTS 8 & 9: Reporting, Escalation, and Corrective Action	**Y**	**N**	**U**	**Initials _____ Date _____ Comments**
Are there internal procedures in place to notify management within the company if a party is determined to be in non-compliance? Is contact information provided for each official in the chain?				
Does the company policy/guidelines address accountability and consequences for noncompliant activity? Are the appropriate incentives, rewards, requirements, and penalties in place, & is an appropriate business culture of compliance being fostered to facilitate notification of any possible noncompliance?				
Are there internal procedures in place to notify the appropriate U.S. Government officials (e.g., Export Administration's Office of Exporter Services (OEXS), Export Enforcement, etc.) when non-compliance is determined?				
Has a central corporate point-of-contact been defined for all communications with the U.S.G.?				
Is the management chain clearly defined for Voluntary Self-Disclosures (VSDs) & are there clear guidelines for VSDs?				
Do all employees receive export control awareness training (including for potential deemed exports and hand-carry scenarios)? Does this training detail reporting, escalation, and corrective action requirements?				
Is there a 24-hour mechanism for notifying compliance management of possible export violations or problems?				
Does the company have an anonymous reporting mechanism for employees?				
Do compliance guidelines provide defined criteria for when a formal internal investigation is required? If yes, are the procedures to be followed defined? Are the reporting and documentation requirements defined?				
Do compliance guidelines include policy and procedures for follow-up reporting to management and the reporting employee? Is there a process for evaluating lessons learned?				
Determination:				