

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)
COMMERCIAL REMOTE SENSING COMPLIANCE AND MONITORING PROGRAM (CRSCMP)

CRSCMP ANNUAL AUDIT

20 ____ ANNUAL AUDIT

LICENSEE OF RECORD: _____

CORPORATE AFFILIATION: _____

LICENSED SYSTEM(S) OF RECORD: _____

Under the Land Remote Sensing Policy Act of 1992 (the Act), Public Law 102-555, 15 U.S.C. § 5601 *et seq.*, the Secretary of Commerce (the Secretary) has the obligation to continuously monitor to ensure the national security and international obligations of the United States are maintained by licensed operators of private remote sensing systems. Further, under 15 U.S.C. § 5621(b)(1), the Secretary may not grant any License, unless the Secretary determines in writing that the Licensee will comply with the requirements of the Act, any regulations issued pursuant to this Act, the terms of the resulting License(s), and any applicable national security concerns and international obligations of the United States.

As a result of this statutory mandate, the Secretary must continuously monitor the Licensee and the operation of its licensed system(s) to ensure compliance with the provisions of the Act and the preservation and protection of the national security and international obligations of the United States. Further, in accordance with 15 U.S.C. § 5623(a), the Secretary may make investigations and inquiries or take other actions concerning any matter relating to the enforcement of this Act. This monitoring and compliance audit is being conducted, pursuant to these legal authorities and any other applicable federal law.

One (1) year after the issuance of a NOAA License and no less than every year thereafter, the CRSCMP shall conduct an Annual Compliance Audit (herein, the “Annual Audit”) of a NOAA Licensee. The principal purpose of the audit is to determine the trustworthiness of the Licensee to preserve the national security concerns and foreign policy obligations of the United States. By conducting the Annual Audit, the CRSCMP assists the Secretary or his delegate lawfully discharge his/her responsibility to exercise due diligence in making and confirming his/her explicit determination of the Licensee’s ability to uphold said obligations, as required under the Land Remote Sensing Policy Act, as amended, 15 U.S.C. §§5621 *et seq.*



CERTIFICATION STATEMENT

I, _____ (INSERT Full Legal Name), as an authorized representative of _____ (INSERT Full Company/Licensee Name), hereby represent and warrant that the verbal and/or written representations¹ made herein by me regarding those officers, directors, employees, persons, or other agents acting on behalf of my organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s) are, to the best of my knowledge, true, complete, and accurate, and that these representations are made in good faith. I understand that a knowing and willful false statement, either verbal or written, is punishable by fine or imprisonment or both, as well as other penalties prescribed under the Act. (See, generally, Section 1001 of Title 18 of the United States Code).

Printed Full Name: _____

Signature: _____

Date: _____

Organization/Title: _____

Name of Licensed System(s): _____

Type of System: _____

¹ Representations may include a variety of materials provided by the Licensee in conformance with its NOAA commercial remote sensing license (herein, the "License") and NOAA's Commercial Remote Sensing Compliance and Monitoring Program. These materials may include, but are not limited to, the following materials: a data collection restrictions/operational limitations plan; data protection plans for the system and/or all ground stations, foreign or domestic; an operations plan for restricting collection or dissemination of imagery; all documents required as part of the Licensee's quarterly reporting and record keeping obligations; and any other materials which may be required to ensure that the Licensee is operating its system(s) consistent with the national security concerns and international obligations of the United States.



Definition of Terms

In accordance with the Act, NOAA’s regulations, and the terms and conditions of NOAA’s License, all questions referenced in this Audit address any person(s), who exercises administrative control of the Licensee and/or operational control of the Licensee’s licensed system(s), and/or those persons or business activities affecting the operational control of the licensed system(s), as explicitly referenced on Page 2 of this document. Further information regarding the definitions of the terms “Administrative control”, “Operational control”, “Person”, and “Remote sensing space system” may be found at 15 CFR § 960.3 (“Definitions”).

A. CORPORATE INFORMATION

1	Please provide a complete list of your company’s corporate structure, board membership, ownership of the Licensee, additions of affiliates or subsidiaries, corporate mergers, acquisitions or takeovers, or other corporate actions. Please provide most recent date and place of incorporation. Please review Appendix 3 of your License(s) and attest the information contained therein is current, complete, true, and accurate. <i>You may request a copy of what NOAA has on file by contacting NOAA Licensing.</i>			
		YES	NO	N/A
2	Are there any other factors which were not explicitly mentioned in the section above that could result in a finding that the Licensee and/or persons identified above present a risk to the national security of the United States?			
3	A. In regard to financial investments, if your company is publicly traded, please provide Securities and Exchange Commission (SEC) filings.			
	B. If your company is not publicly traded, please provide applicable information required by the SEC in the 10K and 10Q forms (See, 15 CFR § 960.11, Sec. 1 - <i>Annual Compliance Audit</i>).			



**When filled in: FOUO/PROPIN/PRIVILEGED DOCUMENT
RELEASE OR DISSEMINATION BEYOND THE INTENDED RECIPIENT IS STRICTLY PROHIBITED
CRSCMP Annual Audit**

B. FOREIGN OWNERSHIP, CONTROL OR INFLUENCE

		YES	NO	N/A
	To the best of your knowledge and with respect to persons (<i>See</i> , 15 CFR § 960.3) who exercise administrative control of the Licensee and/or operational control of the licensed system(s):			
4	Are these persons citizens of, or residents of, a foreign country? *			
5	Are these persons in a position to enter into any “ <i>significant or substantial foreign agreements</i> ,” as defined in 15 CFR § 960.3, which have not been previously disclosed to NOAA, in accordance with 15 CFR § 960.8 (“Notification of foreign agreements”)? *			
6	Have these persons entered into any “ <i>significant or substantial foreign agreements</i> ,” as defined in 15 CFR § 960.3, which have not been previously disclosed to NOAA, in accordance with 15 CFR § 960.8 (“Notification of foreign agreements”)?			
	a. Please provide a list of all current foreign agreements and expiration dates.			
	b. Please provide the procedures used to assure compliance of foreign affiliates with the terms and conditions of the License.			
7	Have persons (15 CFR § 960.3) who exercise administrative control of the Licensee and/or operational control of the licensed system(s) been engaged in any unauthorized or unlicensed technology transfer? *			
8	Does any person (15 CFR § 960.3) participate in any foreign owned or operated venture or activity that could exercise administrative control of the Licensee and/or operational control of the licensed system(s)? *			
9	Does any foreign person or entity control, directly or indirectly, the election, appointment, or tenure of directors, officers or executive personnel of the Licensee? *			
10	Does any foreign person or entity control, directly or indirectly, or exercise the power to control other managerial decisions or activities of the Licensee?*			
11	Are there any other factors not identified above regarding the exercise of administrative control of the Licensee and/or operational control of the licensed system(s) by any foreign person or entity? *			
12	Are there any other factors that indicate or demonstrate a capability on the part of foreign persons to present a risk to the national security of the United States? *			

* If yes, explain in full detail on separate page.



**When filled in: FOUO/PROPIN/PRIVILEGED DOCUMENT
RELEASE OR DISSEMINATION BEYOND THE INTENDED RECIPIENT IS STRICTLY PROHIBITED
CRSCMP Annual Audit**

C. GENERAL SECURITY CONCERNS

		YES	NO	N/A
13	Are there cleared personnel (Secret level or higher) on site at the mission control center, at all times? If no, please explain the process for dealing with urgent/critical classified matters on separate page.			
14	Do any persons affiliated with your organization, who exercises administrative control of the Licensee and/or operational control of the licensed system(s), have any history of deceptive or illegal financial practices such as embezzlement, employee theft, check or contract fraud, overcharging, mischarging (e.g., for services charged but not actually rendered), or duplicate charging on a contract, income tax evasion, expense account fraud, or other intentional financial breaches of trust? *			
15	Have any persons affiliated with your organization, who exercises administrative control of the Licensee and/or operational control of the licensed system(s), ever made any unauthorized disclosures of classified information? *			
16	Have any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), engaged in security violations with regard to the protection of classified information, proprietary information, For Official Use Only (FOUO) information, or any other non-public information, that are deliberate, multiple in nature, or determined to be the result of negligence? *			
17	Have any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), made deliberate omissions, concealments or falsifications of relevant and material facts to an investigator, security official, government official, or other official representative in connection with any governmental investigation, audit or other investigative or enforcement inquiry? *			
18	Are any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), a named party(s) in current litigation, foreign or domestic, involving the Licensee; or, in the alternative, its parent company, its joint venture owners, its subsidiaries, its affiliates, successors or assigns?*			

* If yes, explain in full detail on separate page.



**When filled in: FOUO/PROPIN/PRIVILEGED DOCUMENT
RELEASE OR DISSEMINATION BEYOND THE INTENDED RECIPIENT IS STRICTLY PROHIBITED
CRSCMP Annual Audit**

C. GENERAL SECURITY CONCERNS (CONTINUED)

		YES	NO	N/A
19	Are any persons affiliated with your organization, who exercises administrative control of the Licensee and/or operational control of the licensed system(s), the focus of a civil or criminal investigation involving the Licensee; or in the alternative, its parent company, its joint venture owners, its subsidiaries, its affiliates, successors or assigns?			
20	Are there any other factors which were not explicitly mentioned in the section above that could result in a finding that the Licensee and/or persons identified above present a risk to the national security of the United States?*			

D. CONCEPT- OF- OPERATIONS

		YES	NO	N/A
	To the best of your knowledge and with respect to the licensed system(s) identified on Pages 1 and 2 of this document:			
21	Have there been substantial changes to the concept-of-operations which have not been previously reviewed and approved by NOAA?*			
22	Have there been substantial changes to any of the data handling, restricted area, shutter control, or spacecraft disposal plans which have not been previously reviewed and approved by NOAA? *			
23	Are there any other changes in the licensed system(s)' concept-of-operations provided in the license application, which were not explicitly mentioned in the above section that could result in a finding that the Licensee and/or the persons identified above present a risk to the national security of the United States? *			
24	Has there been a change to your projected launch date? *			
25	Have you submitted a data protection plan one year prior to launch?			
26	What method do you use (i.e., interdiction software) to ensure compliance with the Office of Foreign Assets Control (OFAC) restrictions? <i>Please explain in detail on separate page and/or provide documentation. See: www.treasury.gov/OFAC and www.bis.doc.gov for additional information.</i>			
27	In the case of resellers, please explain how the Licensee assures resellers comply with OFAC and "Denied Parties" restrictions in U.S. law and regulations? Please attach any documentation, e.g., signed acknowledgement by resellers of obligations and penalties for failure to comply, etc, or other guidance, relevant to your answer. (<i>See Sec. 13b. of the NOAA License</i>)			

* If yes, explain in full detail on separate page.



**When filled in: FOUO/PROPIN/PRIVILEGED DOCUMENT
RELEASE OR DISSEMINATION BEYOND THE INTENDED RECIPIENT IS STRICTLY PROHIBITED
CRSCMP Annual Audit**

D. CONCEPT- OF- OPERATIONS (CONTINUED)

		YES	NO	N/A
27	In the case of resellers, please explain how the Licensee assures resellers comply with OFAC and “Denied Parties” restrictions in U.S. law and regulations? Please attach any documentation, e.g., signed acknowledgement by resellers of obligations and penalties for failure to comply, etc, or other guidance, relevant to your answer. <i>(See Sec. 13b. of the NOAA License)</i>			
28	Has your organization experienced any breach in physical security? *			
29	Please DESCRIBE, on separate sheet, in full detail the physical security measures, procedures and processes, employed by your organization’s facility (Mission Control Center and/or any ground stations, foreign and domestic).			
30	Please provide, on separate sheet, a list of all; active, relay (bent-pipe), and planned ground stations, foreign and/or domestic, to include: <ul style="list-style-type: none"> • Physical address and local point of contact. • Foreign agreement or contract expiration date. 			
31	Has your organization experienced any breach in your Information Technology (IT) system(s) which is part of or connected to the licensed system <i>(See 15 CFR § 960.3, Remote sensing space system, Licensed system, or System)? *</i>			

E. OPERATIONAL CONDITIONS

		YES	NO	N/A
	To the best of your knowledge and with respect to the licensed system(s) identified in Pages 1 and 2 of this document:			
32	Have there been substantial changes to the launch segment information, which have not been previously reviewed and approved by NOAA? *			
33	Have there been substantial changes to the space segment information (including sub-system(s) drawings, imaging system(s) specifications, etc.), which have not been previously reviewed and approved by NOAA? *			
34	Have there been substantial changes to the ground segment information, which have not been previously reviewed and approved by NOAA? *			
35	Has an event occurred for which your organization has requested a waiver of the 24-hour dissemination delay? *			

* If yes, explain in full detail on separate page.



**When filled in: FOUO/PROPIN/PRIVILEGED DOCUMENT
RELEASE OR DISSEMINATION BEYOND THE INTENDED RECIPIENT IS STRICTLY PROHIBITED
CRSCMP Annual Audit**

E. OPERATIONAL CONDITIONS (CONTINUED)

		YES	NO	N/A
36	Has the licensed system(s) undergone any operational deviation, such that the resultant data and/or imagery collected and/or disseminated from the licensed system has been in violation of the current Kyl-Bingaman Amendment restrictions imposed by NOAA? *			
37	If you operate a legacy system without a NOAA approved Data Protection Plan (DPP), please describe, on separate sheet, how you comply with current Kyl-Bingaman Amendment restrictions.			
38	Has the licensed system(s) undergone any operational deviation or proposed deviation of the licensed system(s), such that its operation would violate the terms and conditions of that system's License? *			
39	At any time has operational control of the licensed system(s) been conducted from a location outside the United States? *			
40	Please DESCRIBE in detail, on separate sheet, your organization's written procedures to comply with an order from the Secretary of Commerce to interrupt the normal commercial operations of your organization's licensed system(s), as defined in the NOAA License. Please include points of contact and their contact information.			
41	Have you experienced any anomalies or events that have not previously been reported to the NOAA Commercial Remote Sensing Compliance and Monitoring Program, which have caused your system (space and ground segment; <i>See, 15 CFR § 960.3 Definitions, Remote sensing space system, Licensed system, or System</i>) to operate outside of the operating conditions specified in your NOAA license? *			
42	Are there any other changes to the licensed system(s), which were not explicitly mentioned in the above section that could result in a finding that the Licensee and/or any persons so identified herein present a risk to the national security of the United States? *			
43	Provide a complete list of all archived, unenhanced data which has been generated by your licensed system which is not already maintained in a public catalog. Please note any data deemed proprietary. (<i>15 CFR § 960.11 (b)(7)</i>)			

* If yes, explain in full detail on separate page.



**When filled in: FOUO/PROPIN/PRIVILEGED DOCUMENT
RELEASE OR DISSEMINATION BEYOND THE INTENDED RECIPIENT IS STRICTLY PROHIBITED
CRSCMP Annual Audit**

F. THE FOLLOWING QUESTIONS APPLY TO NON - OPERATIONAL SYSTEMS ONLY

		YES	NO	N/A
44	Have you received an FCC license for frequency allocations?			
45	Status of the development of the licensed remote sensing space system:			
	A) Do you have a binding contractor for the satellite bus?			
	B) Do you have a contractor for the sensor(s)?			
	C) Do you have a binding contract for launch services?			
	D) What is the status of sensor(s) development?			
	E) Have you started construction on a mission control center or other ground system segments?			
	F) Is design and construction in accordance with your system design and development milestone plan?			
	H) Do you plan other than a US launch?			
	If yes; 1. Please explain on separate sheet.			
	2. Have you received all necessary export licensing requirements with the appropriate US Government agencies?			
	G) What is the overall status of satellite development? (Please explain on separate sheet.)			
46	What actions have you taken in preparation for design review to meet regulatory requirement 15 CFR 960.9 (c) to provide formal review materials regarding your Preliminary Design Review (PDR) and Critical Design Review (CDR). (Please explain on separate sheet.)			
47	What is your schedule for Preliminary Design Review? (Please explain on separate sheet.)			
48	Are you on schedule? If not, explain why not and what actions you intend to take to meet the scheduled PDR? (Please explain on separate sheet.)			
49	What is your schedule for Critical Design Review? (Please explain on separate sheet.)			
50	Are you on schedule? If not, explain why not and what actions you intend to take to meet the scheduled CDR? (Please explain on separate sheet.)			



When filled in: FOUO/PROPIN/PRIVILEGED DOCUMENT
RELEASE OR DISSEMINATION BEYOND THE INTENDED RECIPIENT IS STRICTLY PROHIBITED
CRSCMP Annual Audit

You have reached the conclusion of this year's annual monitoring and compliance audit.

Please be advised, if any of the information that you have provided should change it is the responsibility of your organization to notify NOAA CRSCMP within thirty (30) business days. A Licensee's failure to notify NOAA CRSCMP in a timely manner may result in penalties for non-compliance being levied, pursuant to Section 203(a)(3) of Public Law 102-555, as well as suspension and/or termination of the License.

Send correspondence to:

CRSCMP Program Manager
Room 8260
NOAA / NESDIS
1335 East West Hwy
Silver Spring MD 20910

