How to Develop An
Export Management and Compliance Program

7:15 – 8:00 **Registration and Breakfast**

GETTING STARTED

8:00 – 8:15 **Welcome & Opening Remarks**

8:15 – 8:30 **Program Overview**

COMMERCE/EAR COMPLIANCE: NINE <u>CORE</u> COMPLIANCE ELEMENTS

8:30 – 9:00 **The Basics: Theoretical Construct of Compliance**
- Why Bother… What's In It For You
- The Foundation of Effective Compliance
- Effective Compliance Defined
- Most Common Mistakes to Avoid

9:00 – 9:45 **Management Commitment**   **(1)**

The Most Critical Compliance Component
- The TMC Principle
- Compliance Culture
- Obstacles/Strategies for Obtaining Management Buy-In

9:45 – 10:15 **Continuous Risk Assessment**   **(2)**

Assessing Your Compliance Needs and Vulnerabilities
- 3 Rs: Risk, Resources, and Responsibilities
- Keeping Up, Evaluating Impact, Defining Needs, and Taking Action
- Assessment Tool

10:15 – 10:30 **BREAK**

10:30 – 11:00 **Formal Written EMCP Program**   **(3)**

Power of the Written Word
- Your Compliance Mantra
- Operational Plan vs. Policy Document
- Key Things to Remember

11:00 – 11:30   **Ongoing Compliance Training and Awareness**
          (4)

          Investing In Your Most Critical Compliance Asset
          - Elements of an Effective Training Program
          - Raising Awareness
          - Creative Strategies

11:30 – 12:00   **Written Compliance Program Example**

12:00 – 1:00   **LUNCH**

1:00 – 2:00   **Cradle to Grave Export Compliance Security**   **(5)**

          Compliance Safeguards Throughout the Supply Chain
          - Jurisdiction, Classification, and License Determination
          - Screening Based on Lists, Activities, and Red Flags
          - Safeguards Before & During & After the License Application
Process

2:00 – 2:15   **BREAK**

2:15 – 2:45   **Adherence to Recordkeeping Requirements [EAR Part 762]**
          (6)

          Telling Your Compliance Story
          - Creating an Audit Trail
          - Records Life Cycle
          - Areas Not to Overlook

2:45 – 3:15   **Internal/External Monitoring and Periodic Audits**   **(7)**

          Peace of Mind Assurance (and Insurance)
          - Structuring Your Compliance Audit Program
          - Anatomy of an Audit

3:15 – 4:00   **EMCP Business Case Review**

4:00 – 4:15   **BREAK**

4:15 – 5:00   **Program for Handling Compliance Problems**
and Completing Appropriate Corrective Actions   (8) & (9)

When What Shouldn't Happen, Does Happen
- A Company's Best Defense
- Notification and Escalation
- Corrective Action

9 ++
Your Compliance Program May
Have More Than 9 Core Elements

TECHNOLOGY CONTROL PLANS

**5:00 – 5:30   Developing an Effective Technology Control
Plan**

- Elements of an Effective Technology Control Plan
- Key Deemed Export and Technology Compliance Issues
- Compliance Strategies for Technology Control

5:30   WRAP UP   Day 1 Evaluations Please

May 21, 2009
COMPLIANCE PROGRAM AGENDA

How to Develop An
Export Management and Compliance Program

7:15 – 8:00   Breakfast

8:00 – 8:30   The Road Traveled: Highlights From Yesterday

COMMERCE ENFORCEMENT COMPLIANCE PERSPECTIVE

8:30 – 9:30   Commerce Export Enforcement

Partners in Compliance
- Red Flags, Prohibited Conduct, Violations, and Penalties
- Voluntary Self Disclosures and Mitigating Factors
- Enforcement Case Lessons: What Went Wrong
- Why A Compliance Program Is A Good Business Decision
- Advice for the Compliance Manager

ANATOMY OF A GOVERNMENT ON-SITE VISIT

9:30 – 10:30 **What to Expect and How to Prepare**

U.S. Government Compliance Visits
- Census Bureau, U.S. Department of Commerce
- Export Enforcement, U.S. Department of Commerce
- U.S. Department of State
- Questions and Answers

10:30 – 10:45 **BREAK**

10:45 – 11:45 **Compliance Strategy When What Shouldn't Happen, Does**

- EMCP Business Case Review
- The Process: How To Develop Your Compliance Strategy

11:45 – 12:45 **LUNCH**

COMMUNITY OF PRACTICE COMPLIANCE PERSPECTIVE

12:45 – 1:45 **Lessons Learned From the Trenches**

Everything You Ever Wanted To Know, But Were Afraid To Ask.....
Compliance Advice From Your Community of Practice
- Small/Medium/Large Size Companies

1:45 – 2:00 **BREAK**

COMMERCE CENSUS BUREAU AES COMPLIANCE

2:00 – 3:15 **Automated Export System (AES) Compliance**

- Foreign Trade Regulations – Mandatory AES Filing
- AES Filing Exemptions
- AES Downtime Policy
- Pre-Departure Filing Time Frames: Differences for EAR & ITAR
- Who is Responsible for EEI Filings
- Routed Transactions
- AES Best Practices

- Most Common AES Noncompliance Issues
- Penalties for Noncompliance and Mitigating Factors
- AES Compliance Review Program
- What to Expect During an On-Site AES Compliance Review Visit
- AES Record Retention
- Preparing an AES Voluntary Self Disclosure
- How To Request A Compliance Report For Your Company
- Where To Go For Help
- Census/AES Questions and Answers

3:15 – 3:30   BREAK

STATE DEPARTMENT EXPORT COMPLIANCE

3:30 – 4:45   Achieving Effective State/ITAR Compliance

- Key ITAR Regulatory Compliance Issues
- Key Elements for Effective ITAR Compliance: Tools and Resources
- Advice for the ITAR Compliance Manager / Best Practices
- Compliance with the State Registration Process
- Exemptions and License Agreement Compliance
- Common ITAR Errors and Violations To Avoid
- ITAR Cases: What Went Wrong
- Civil and Criminal ITAR Enforcement Trends
- Penalties and Justice Guidelines
- Mitigating Factors in ITAR Cases
- Suggested Reading
- State Questions and Answers

4:45 – 5:00   Final Wrap-Up... Day 2 and Final Evaluations Please