

Export Compliance Training at Excelerate

The U.S. export regulatory authorities at the Directorate of Defense Trade Controls (DDTC) and the Bureau of Industry & Security (BIS) consider export compliance training as one of the key elements related to an effective Export Compliance Program (ECP). Training should be conducted at all levels in an organization that has activities associated with export-controlled articles (hardware), technical data, and services.

Excelerate's Export Compliance E-Learning system satisfies the DDTC and BIS training requirements. Training courses are available for New Hires, Employees, and Administrators, along with an annual Refresher course. Excelerate will maintain the courses to ensure that they cover the critical aspects of export compliance.

What the training will not include are the specifics on how your organization may execute an ECP in relation to export compliance. Every company is different and with that comes unique requirements associated with export compliance. Some may manufacture and have hardware and drawings while others may produce data and never export. This presents unique situations where specific export control requirements will need to be communicated from the export compliance administrators to the employees.

What follows is a description of the Export Compliance E-Learning approach developed by Excelerate. It is derived from our extensive experience and from training courses conducted for the many years. What we found is that long, detailed, courses missed the mark in providing an adequate understanding of the key requirements associated with export compliance. We are confident that you will be satisfied with the level of detail provided in our coursework. You can find our E-Learning environment at <https://www.lms.excelerate-inc.com>.

E-LEARNING STRUCTURE

The export compliance authorities at DDTC and BIS want to see training provided throughout an organization to include support staff and senior management. Everyone needs to be aware that what an organization does is export controlled and what their role is in the export compliance process. One export violation can have significant ramifications on a company's ability to continue doing international business.

What we found is that organizations need training for senior management and staff who will administer export compliance in an organization and a less intensive version for everyone else. This is why we created the [Administrator](#) and [Employee](#) training courses.

The Administrator course provides the details for establishing an Export Compliance Program (ECP) required by DDTC and BIS. We walk you through the entire process so that you are aware of the requirements and can make plans on how to administer export compliance in your

organization. A snippet of the Administration course can be found at the left top of the [Administrator Course](#) page.

The Employee course provides the level of detail needed for staff to understand their role in the compliance process. It is not heavy on the implementation but focuses on what export compliance is and how to keep the company on the right side of the export regulations.

We also developed a [New Hires](#) video that can be shown during new hire orientation and a [Refresher](#) course for those that successfully completed the Administrator or Employee courses. The New Hire course is like the Brief Overview found under “Free Stuff” and provides a very quick orientation to export compliance. The Refresher course is like the Employee course but includes an overview of changes to the regulations that may affect export compliance along with a review of export compliance in general.

What is important to note is that we don’t implement a scare tactic as we have seen with other trainers. Instead, we inform and communicate the reasons why it is important for the U.S. and a requirement for continued work under the export regulations. We pride ourselves in taking a practical approach to export compliance education which probably stems from our basis in engineering and technology.

TRAINING CATEGORIES

Originally, the need for Exporter and Non-Exporter categories associated with training didn’t exist. Organizations felt that the only time they needed export compliance was when they exported so everyone that we worked with was considered an “exporter” and the training reflected this reality. Fast forward to today and new contractual language, coupled with a better understanding of the regulations, has created a new category we call the Non-Exporter. This category includes organizations that need to be export compliant but will not actually export to a foreign party or will only work under someone else’s approval.

The Non-Exporter concept became a popular request, so we skinned up the Exporter training courses to include only the stuff the Non-Exporter needed to know about export compliance. The Non-Exporter has no need to understand the details of preparing a Technical Assistance Agreement (TAA) or DSP-5 license so we cut out those portions, and similar content, to create the Non-Exporter curriculum.

The Exporter category would be selected by organizations that will obtain export approvals and engage in export activities with foreign persons. Training associated with the Exporter category includes more detail related licensing, agreements, exemptions, and exceptions along with shipping, record keeping, and additional compliance details.

A Non-Exporter will not pursue export approvals and would only need to understand compliance from the perspective of safeguarding articles, data, and services. Many times, the need of the

Non-Exporter is to be export compliant so that they can receive export controlled technical drawings, for example, from other U.S. companies. The training to Non-Exporters provides an understanding of how to satisfy export compliance so that they can assure other U.S. companies that they understand the requirements of export compliance.

The Non-USA category was created for companies outside the U.S. that want or need to establish a U.S. export compliant environment to better attract U.S. export-controlled business. All foreign organizations receiving U.S. export-controlled articles, data, and services must abide by U.S. regulations and completing our training courses will assist them in achieving their export compliant status.

Our recommendation is to select the Exporter category of courses if you don't know which to choose. You may have to sit through some training content that isn't applicable to what you do but at least you will get the full breadth of information if you are having a challenge deciding.

LMS vs SINGLE VIEW

Our Learning Management System (LMS) approach simplifies the process of training everyone and maintaining training records. The LMS system allows you to assign training to individual employees, monitor their progress, and generate reports for your export compliance records. You receive access to the full category of training courses including New Hires, Employees, and Administrators plus a Refresher for annual renewal training. Those that complete the course, including quizzes, will receive a completion certificate. There is an initial one-time fee for the LMS option then a per student fee based on an annual subscription. Excelerate maintains the course work so that it remains accurate and timely.

The person that establishes the LMS account becomes the Group Leader and can assign employees to training course up to the number of students selected during registration. Assigning students is done by entering their name and email address individually, by uploading a CSV file, or by establishing a Group Code that can be emailed to students for them to use in registering themselves to the LMS. Additional students can be added to the account by the Group Leader by logging in and selecting the "Add Students" option under the "Manage" menu item.

The other option is to conduct training by Single View where you purchase each training course for one-time viewing. Once the course is viewed then it is no longer available. This works well for smaller organizations who can gather everyone in a conference room, for example, to view the desired training course.

Or you can mix and match LMS and Single View as desired. Maybe you want the LMS courses for people working remotely and use single view for those at a given location. Feel free to let us know what you are considering and maybe we can help organize an effective option.

WRAP-UP

The export authorities at DDTC and BIS say that if your company is doing export-controlled work by generating export controlled technical data, hardware, or services then everyone at the company must have export compliance awareness training. They feel this is the absolute best way to keep employees aware of their role in the export compliance process. Records of who is trained need to be maintained as part of your organization compliance records.

The logic behind their recommendation is sound in that if what you do is export controlled then everyone in the organization needs to understand how safeguard export-controlled articles, data, and services. A violation by support staff, for example, is still a violation and can have significant ramifications. Everyone in your organization needs to be aware of what is export controlled and how to control it. That is the essence of export compliance.

Now, does every company train every employee on export compliance, of course not, but that is the standard that DDTC and BIS will base your level of compliance if they come calling. Implementing an export compliance training program is about acceptable risk. Our analogy is like driving down the highway. You can go the speed limit and have zero risk or drive over the limit an amount you feel is an acceptable risk.

The zero-risk option for export compliance is our LMS training where you assign New Hire training as part of your in-processing procedures then follow-up with Employee training after a short period of time. All current employees would first take the Employee course then the Refresher annually thereafter. Those in senior management or who are involved with the management of export compliance would take the Administrator course. The LMS would maintain the training records of completion so that you could verify all people in your company successfully completed the course required. That is the zero-risk scenario since you can show DDTC or BIS that everyone was properly trained with the records to prove it.

How you want to conduct training in your organization is up to you and becomes an evaluation of acceptable risk. We would be happy to work with you to define a training approach that best fits your organization's needs.

THE FUTURE

We are continuing to enhance training with a library of short courses on specific topics of interest like how to assemble a DSP-5 license application or how to search the Commerce Control List (CCL) to see if something is export controlled. New topics will be placed in the library regularly.

Another option we are defining is how we can become more involved in your export compliance process. We have some organizations that just do not have the bandwidth to take on export compliance so we are considering options where we can best step in to help. We are open to and encourage your suggestions in how to make export compliance easier to administer.