

American Conference Institute's 2nd National

EAR BOOT CAMP

Includes
Update on Export
Control Reform

A Deep Dive into the Export Administration Regulations and Export Control Reform
How to Implement and Monitor an Effective, Cost-Efficient Export Management and Compliance Program

January 25 & 26, 2012 | The Adolphus | Dallas, TX

Hear from BIS on Licensing, Visits and Inquiries:

Gene Christiansen
Senior Licensing Officer
Bureau of Industry and Security
U.S. Department of Commerce
(Washington, DC)

Todd Marr
Special Agent
Office of Export Enforcement – Dallas
Bureau of Industry and Security
U.S. Department of Commerce

Learn What U.S. Census Requires for AES Filings:

Dale C. Kelly
Assistant Division Chief, Data Collection
U.S. Census Bureau, Foreign Trade Division

Benefit from practical, interactive Working Groups:

January 24, 2012

A: A Complete Roadmap to **Selecting the Right ECCN**: How to Navigate the ECCN Maze to Ensure Correct EAR Classification

B: The Ins and Outs of **Using EAR License Exceptions**: When and How to Use Exceptions STA, ENC, APR, TSU, TMP, RPL and More

January 27, 2012

C: A Practical Guide to Implementing **Deemed Export** Requirements: How to Select, Apply and Monitor IT and Physical Controls on Foreign National Access

Gain practical compliance and benchmarking tools from:

Texas Instruments

Sungard

Ericsson

Mitsubishi Electric USA

Northrop Grumman

Ensco

ACS, A Xerox Company

L-3 Communications

Flowserve

Mary Kay

Marinette Marine

GE Aviation

ConocoPhillips

At this intensive two-day course, you will learn the ins and outs of how to comply with strict and complex EAR requirements affecting your business, including:

- How proposed **export control reforms** will affect the classification of your items and technologies, and **migration to the CCL**
- Identifying and managing **ITAR-EAR migration** throughout the R & D and product life cycle
- **How to screen foreign nationals within foreign anti-discrimination and privacy law limits**: Deemed export compliance and Form I-129 certification
- **Commodity classification requests**: Do's and don'ts for preparing and submitting a CCAT
- How to comply with **EAR recordkeeping requirements**
- Building an effective **EMCP** in a resource scarce environment
- How to conduct **end-user checks and reviews** to prevent diversion
- How to avoid critical missteps when **crafting a successful license application**
- What triggers a **BIS visit or inquiry**, and how to prepare
- How to **file export shipment data** using AES
- Vetting, monitoring and **training third parties to reduce liability risks**
- Applying **encryption control requirements** and exceptions to your hardware, software and technology

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The Export
Practitioner



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This is the Only Practical, Comprehensive EAR Course That Will Provide You with Compliance Tools from Leading Government and Industry Experts!

With the Bureau of Industry and Security (BIS) imposing **administrative monetary penalties reaching \$120,000 per violation**, and criminal penalties **reaching \$1,000,000 and 20 years' imprisonment per violation**, now is the time to ensure your export compliance practices adhere strictly to the *Export Administration Regulations* (EAR). In addition to BIS enforcement, the U.S. Department of Justice is also devoting significant resources to **prosecuting companies and individuals for EAR violations**.

Coupled with ongoing **export control reform** initiatives, companies exporting dual-use items must stay up to date on the practical implications of the reform on their compliance status.

Back by popular demand, American Conference Institute's **2nd National EAR Boot Camp** will allow you to hear from Government on export controls compliance expectations, and benchmark your compliance practices with a wide range of industries, including technology, aerospace, software, and oil & gas. At this **practical, nuts and bolts course, exporters, carriers, freight forwarders, consignees** and all other parties to an export transaction will benefit from practical, in-depth sessions on how to satisfy the gamut of key EAR requirements affecting your supply chain.

The 2012 agenda has been fully updated and will discuss how to overcome your most pressing, daily EAR compliance challenges. Key topics include:

- How proposed **export control reforms** will affect the classification of your items and technologies, and **migration to the CCL**
- **Deemed export compliance and Form I-129 certification**: What is required for screening foreign nationals within foreign anti-discrimination and privacy laws boundaries
- How to prepare and file a **CCAT**
- **End-Use and End-User Controls**: How BIS applies its "Know Your Customer" guidance and "Red Flags" indicators
- **The nuts and bolts of preparing an EAR license application: Reducing the risk of delays**, and preventing license denials and RWA's
- How BIS selects companies for **visits and inquiries, how to prepare and what to expect**
- **Export Management and Compliance Program (EMCP): Tailoring your compliance program** to your corporate structure, size and global operations
- What kinds of EAR violations can **trigger BIS enforcement and penalties**
- **Vetting third parties**: Where the exporter's responsibility for **third party compliance** begins and ends
- Structuring a **cost-efficient internal investigation**
- Making sense of complex **encryption controls**
- **Preparing a voluntary disclosure** and mitigating penalty risks

Personalize your training with interactive, practical working groups:

A: A Complete Roadmap to Selecting the Right ECCN: How to Navigate the ECCN Maze to Ensure Correct EAR Classification

B: The Ins and Outs of Using EAR License Exceptions: When and How to Use Exceptions STA, ENC, APR, TSU, TMP, RPL and More

C: A Practical Guide to Implementing Deemed Export Requirements: How to Select, Apply and Monitor IT and Physical Controls on Foreign National Access

Spaces will fill up quickly, so register now. Call 1-888-224-2480, fax your registration form to 1-877-927-1563 or register online at www.AmericanConference.com/EAR.

Who You Will Meet

- ✓ Export Compliance Specialists, Coordinators and Administrators
- ✓ Vice Presidents, Directors and Managers of
 - Export Compliance
 - Export Administration/Operations
 - Export Controls
 - Export Policy
 - Sales/Business Development
 - Export Licensing
 - International Trade Compliance
 - Contracts
 - Internal Controls
 - Security
 - Trade Compliance
 - Technology Transfers
- ✓ General Counsel's Office
 - VP, Legal Affairs/Operations
 - International Trade Counsel
 - Export Compliance Counsel
- ✓ Private Practice Attorneys and Consultants in
 - Export Controls
 - International Trade and Business Transactions
 - Regulatory Compliance

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You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

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INTERACTIVE WORKING GROUPS

A Tuesday, January 24, 2012 | 9:00am – 12:30pm

A COMPLETE ROADMAP TO SELECTING THE RIGHT ECCN: How to Navigate the ECCN Maze to Ensure Correct EAR Classification

Mark C. Joye, Partner, **Baker Hostetler LLP** (Houston, TX)

Nate Millsap, Export Compliance Manager, **Marinette Marine Corporation** (Marinette, WI)

Through a series of case studies and hands-on exercises, this practical workshop will provide you with the tools you need to navigate the complex web of Export Control Classification Numbers (ECCN) and the EAR classification process. The working session leaders will discuss the ins and outs of how to classify your items and technologies, and determine any license approvals you will need in the export process. Particular attention will be paid to the the gamut of pitfalls to avoid in selecting the right ECCN and preventing key classification errors. Topics will include:

- What is covered under the Commerce Control List (CCL)
- Factors to consider when determining whether an item is EAR-controlled
- Navigating ECCN categories and groups
- The varying degrees of export control under ECCNs based on the country of end-use

- How to determine the ECCN for your product:
 - when to contact the manufacturer, producer or developer of the product
 - selecting the appropriate category and group that most accurately fits your product
 - reviewing the general characteristics of your item and identifying the appropriate section of the CCL
 - matching the specific characteristics of your item to an ECCN
- Demystifying the “reasons for control” listed within ECCN categories, and assessing whether a license is required
- What to do after obtaining the ECCN: How to review the Commerce Country Chart to determine whether an export license is required
- ECCNs with license exceptions associated with the export restrictions based on Low Value Shipment (LVS) or other mitigating factors
- Restrictions under ECCNs that apply to certain denied parties
- What to do if no ECCN fits your product, and determining whether a license is not required
- The scope and application of EAR99

B Tuesday, January 24, 2012 | 1:30pm – 5:00pm

THE INS AND OUTS OF USING EAR LICENSE EXCEPTIONS: When and How to Use Exceptions STA, ENC, APR, TSU, TMP, RPL and More

Gene Christiansen, Senior Licensing Officer, Bureau of Industry & Security, **U.S. Department of Commerce** (Washington, DC)

Eric Cannon, Senior Manager Contracts-Core **L-3 Communications** (Dallas, TX)

Laura Molinari, Counsel, International Trade, **GE Aviation** (Washington, DC)

Whether you are exporting hardware or software, effective use of EAR license exceptions can create a more cost-efficient flow of your item or technology. This hands-on working group will provide participants with the tools to determine when and how to use an exception, and the criteria for assessing the applicability of a given exception to your products and technologies. With a number of exceptions available to exporters for dual-use items, this interactive working group will delve into the complex decision-making process that must be implemented when assessing the scope of a given license exception, including STA, ENC, APR, TSU, TMP, and RPL. Topics include:

- Key license exceptions and their limitations, including:
 - Strategic Trade Authorization (STA): How this new exception is being implemented and how effective it is in limiting overall license applications
 - ENC: Applying the four tiers of product eligibility and the scope of the encryption exception
 - Additional Permissive Re-Exports (APR)
 - Technology and Software Restricted (TSR) vs. Unrestricted (TSU)
 - RPL: Availability in servicing, repair and replacement
 - TMP: Ensuring sufficient recordkeeping requirements
- Determining what is a license exception as per Part 740, restrictions on using exceptions and criteria for using exceptions
- Coordinating and educating engineers, lawyers, and other export compliance professionals on the scope and limitations of license exceptions
- Review of country groups and how this affects the use of exceptions
- Best practices for maximizing efficiency using SNAP-R
- Critical pitfalls to avoid in using exceptions and the consequences of misuse

C Friday, January 27, 2012 | 9:00am – 12:30pm

A Practical Guide to Implementing Deemed Export Requirements: How to Select, Apply and Monitor IT and Physical Controls on Foreign National Access

Miguel A. Garcia, Director, International Trade Compliance **ACS, a Xerox Company** (Dallas, TX)

Suzanne D. Reifman, Partner, **Vinson & Elkins LLP** (Washington, DC)

Understanding the deemed export rule is just the beginning and not enough to satisfy BIS' compliance expectations or reduce penalty risks. Without the practical know-how for implementing the requirements in real-life, your organization could unknowingly be violating strict EAR requirements. Knowing how to properly select, roll out and monitor the effectiveness of your IT and physical controls is the critical factor in minimizing your company's exposure. Amid the increasing threat of cyber attacks, and facility/IT breaches, companies must ensure ongoing daily compliance or face heavy fines and loss of business.

Through a review of sample manuals, procedures, checklists and other tools, the workshop leaders will discuss the types of effective physical and IT controls, and how to overcome key challenges at the implementation stage. The discussion will also focus on how to monitor the effectiveness of your program, and how to identify appropriate upgrades and risk areas on a continual basis. Topics include:

- Controlling physical employee and visitor access to restricted areas
- Nuts and bolts of developing a Technology Control Plan and Technology Transfer Control Plan
- Limiting foreign nationals' access to technical data: When a password, absolute lockdown and/or email controls are required
- Managing access risks posed by offshore IT support, cloud computing and e-rooms for electronic collaboration
- Protecting US-origin data on laptops and servers
- Managing email transfers of technical data: Tracking and marking sensitive communications, and designating emails
- Protecting hardware and servers: When to create separate servers for controlled information and/or partition drives
- Working with your IT Department, and conducting reviews of your IT program
 - setting up secure firewalls, passwords and servers
 - overcoming challenges of shared services such as file servers, printers
 - controlling the use of the Internet and information available to foreign national employees on company networks
- How to train your engineers and technical personnel on export compliance
- How to incorporate your TCP into your overall EMCP

7:30 **Registration Opens and Coffee Served**

8:30 **Opening Remarks from Boot Camp Co-Chairs**

Robert Vander Lugt
Director, Export Compliance & Training
Northrop Grumman Corporation (Dallas, TX)

Joseph A. Vicario, Jr.
Senior Counsel, International Trade Regulation
Texas Instruments, Incorporated (Dallas, TX)

8:45 **EAR-ITAR Migration: How to Identify and Manage Migration Risks throughout the R & D and Product Life Cycle**

Arvind Sharma
Senior International Trade Counsel
Flowserve Corporation (Irving, TX)

Nate Millsap
Export Compliance Manager
Marinette Marine Corporation (Marinette, WI)

F. Amanda DeBusk
Partner
Hughes Hubbard & Reed LLP (Washington, DC)

- How proposed export control reforms will affect the classification of your items and technologies, and migration to the CCL
- When EAR-controlled items are “tainted” by the ITAR:
 - How to track classification throughout the product life cycle
- Identifying migration of ITAR-controlled items and technologies to the EAR, and how to re-classify
- Key elements for developing classification procedures and a matrix for assessing EAR jurisdiction
- Key questions to ask when classifying new and innovative technologies: Conducting market and IT functionality analysis
- When to seek a formal CJ or CCATS vs. when to self-classify
- Working with your R&D group to stay within EAR boundaries and avoid ITAR migration

9:45 **Deemed Export Compliance and Form I-129 Certification: How to Screen Foreign Nationals within Foreign Anti-Discrimination and Privacy Law Limits**

Robert Vander Lugt
Director, Export Compliance & Training
Northrop Grumman Corporation (Dallas, TX)

Daniel Chapman
Director, Export Compliance
ConocoPhillips (Bartlesville, OK)

Leigh T. Hansson
Partner
Reed Smith LLP (Washington, DC)

- Key definitions:
 - “deemed export” and “reexport”
 - “foreign national”
 - “release” of technology, software or technical data
 - “technology” and “technical data”
- When a BIS license is required for a foreign national
- How the EAR treats birth and nationality, and key screening requirements for determining the most recent country of citizenship or permanent residency
- When and how to seek an advisory opinion if the status of a foreign national is uncertain
- How to determine nationality of prospective employees and others within foreign legal limits

- what questions are permissible under EU and Canadian anti-discrimination and privacy laws
- Completing Form I-129 (Petition for a Nonimmigrant Worker)
 - working with HR and other affected departments to assess risks of unauthorized access
 - how to answer questions about your deemed export compliance program
 - what to ask and look for when analyzing your business units and operations
- Ensuring the Form I-129 certification remains accurate throughout the employment relationship
- When inaccurate or false statements in Form I-129 could lead to penalties and other punitive measures
- How to coordinate EAR compliance, HR and the visa application process to avoid export delays and interruptions
- Tracking employee turnover, transfers to a new location and succession planning: How to ensure ongoing EAR compliance when assigning employees to new projects and roles

11:00 **Networking Coffee Break**

11:15 **Commodity Classification Requests: Do’s and Don’ts for Preparing and Submitting a CCAT**

Antoinette D. Paytas
Partner
Thomsen & Burke LLP (Baltimore, MD)

- Difference between a CCAT vs. an advisory opinion
- The process and associated timeline for filing a CCAT
- Creating a License Application or Commodity Classification Work Item
- How to prepare the application
 - key technical specifications of the commodity, software or technology that must be specified in your request
 - supporting documentation to include, such as descriptive literature, brochures, precise technical specifications or papers
 - providing a recommended classification and explaining the basis for your recommendation
 - what to do if you cannot determine a recommended classification for your item
- How BIS reviews a CCAT, and key criteria affecting their determinations

11:45 **End-Use and End-User Controls: How to Conduct Effective Checks and Reviews to Prevent Diversion**

Joseph A. Vicario, Jr.
Senior Counsel, International Trade Regulation
Texas Instruments, Incorporated (Dallas, TX)

Kenneth G. Weigel
Partner
Alston & Bird LLP (Washington, DC)

- EAR end-use and end-user restrictions: How BIS applies its “Know Your Customer Guidance and Red Flags” guidance
- How to determine who will receive your item, and what the item will be used for
- Conducting an end-use/end-user check and review: Core elements to include in your processes and procedures
 - key red flags and diversion warning signs when dealing with customers, agents, freight forwarders, trading companies and others
 - ensuring the items will be used for civil applications only and not reexported or otherwise disposed
 - working with a legitimate, established foreign buyer
 - obtaining and reviewing a technology control plan (TCP) from your foreign buyer
 - determining the last point of contact in the chain of sale
- How to meet requirements for end-user statements

- how to describe equipment and its intended application and workload
- ensuring a complete identification of all end-users and their activities
- When and how much to train third parties on diversion pitfalls

12:30 Networking Luncheon

1:45 Export Control Reform Discussion and Q & A: Practical Impact of Ongoing CCL Changes, New BIS Guidance on Diversion, and Other Policy Initiatives

Led by the Boot Camp Co-chairs, this interactive session will be an open forum for discussing the latest in export control reform. Learn how anticipated and ongoing reform will impact your business, compliance status and how to prepare. Attendees are encouraged to participate in this Q & A with faculty members – so bring your questions!

Topics will include:

- Key policy initiatives, their status and potential impact on your business
- What the proposed migration from USML to the CCL, EAR99 will mean for your export activities
- Update on changes to terminology and definitions, including “specially designed”, and the effect on the classification of your items and technology
- How proposed CCL changes impact the application of the Wassenaar Arrangement to specially designed items
- Review of BIS’ guidance on preventing unlawful diversion of US dual-use items

2:30 The Nuts and Bolts of Crafting a Successful License Application: Avoiding Critical Missteps Leading to License Denials and RWAs

Gene Christiansen
Senior Licensing Officer, Bureau of Industry & Security
U.S. Department of Commerce (Washington, DC)

Adrienne Braumiller
Partner

Braumiller Schulz LLP (Dallas, TX)

This interactive session will take you through the ins and outs of how to meet BIS’ expectations for a successful license application, how to fill out the forms and provide the required supporting documentation.

- Key differences between a general license vs. an individually validated license
 - which destinations require an individually validated license: applying “Validated License Required” under EAR Part 799.1
 - technical exceptions to the individually validated license requirement under the ECCNs
- The approvals process, timeframe and how to reduce the risk of delay
- What to include and how to submit the application
 - how to fill out the forms
 - what BIS expects, looks for and requires
 - supplemental information required
 - developing data sheets, end-user statements, and cover letters
- When and how to provide sufficient data to support the application including:
 - verification of ECCN’s
 - end-use of items to be exported
 - supporting documents supplied by the prospective purchaser or the government of the country of the ultimate destination
 - international import certificate
 - statement of ultimate consignee and purchaser.
- How to complete the SNAP-R Form
- When and how to work with engineering and other departments during the license application process

- Preventing a Return Without Action (RWA)
- Key types of license conditions, when they are imposed and what to do if you cannot meet them
- When and how to amend a license
- How to appeal a license denial: The process and associated timeline

3:45 Networking Coffee Break

4:00 What Triggers a BIS Visit or Inquiry: What to Expect and How to Prepare

Todd Marr

Special Agent, Office of Export Enforcement
Bureau of Industry and Security
U.S. Department of Commerce (Dallas, TX)

F. Amanda DeBusk

Partner

Hughes Hubbard & Reed LLP (Washington, DC)

- How BIS selects companies for visits or inquiries
- Key differences between a visit vs. an inquiry
- Responding to BIS requests for documents and other items
- The scope of BIS’ access rights to your information vs. what is protected by privilege
- Ensuring the availability of compliance personnel, management, outside counsel and data to respond and manage BIS requests
- What kind of documents must be retained and for how long
- When and how to conduct internal audits of your plants and operations in anticipation of a visit or audit

4:45 AES: How to File Export Shipment Data, and Prevent Penalties for Incorrect, Untimely Filings

Dale C. Kelly

Assistant Division Chief, Data Collection
U.S. Census Bureau, Foreign Trade Division (Washington, DC)

Miguel A. Garcia

Director, International Trade Compliance
ACS, a Xerox Company (Dallas, TX)

- The roles and jurisdiction of Census, BIS and Customs and Border Protection, and how they coordinate their efforts
- Selecting your interface method: The pros and cons of
 - creating your own AES program
 - purchasing AES-certified software from a vendor
 - using a paid AES service center
 - using *AESDirect* or any of its enhancements
- Responsibilities of the FPPI and the USPPI in routed transactions
 - who controls the movement of the goods out of the US
 - who provides authorization to a US agent to file the EEI
- How to prepare your AES record
 - ensuring SEDs, commercial invoices and EEIs are filed properly
 - mandatory filing requirements for routed export transactions
 - USPPI and the types of records required by the Foreign Trade Regulations
 - when you should file yourself vs. outsource the filing to freight forwarders
 - knowing what value is claimed in AES for the shipments: the value between the FPPI and the USPPI
 - key differences between AES filings for routine/standard export shipments, drop shipments and routed export transactions (RET)
- How AES validates your data
- Dealing with filing errors: What you need to disclose to Census and how
- How much an error can cost your company: How U.S. agencies are calculating mandatory penalties under the *Foreign Trade Regulations*

5:30 Boot Camp Adjourns to Day 2

8:30 **Opening Remarks from Boot Camp Co-Chairs**

8:45 **Building an Effective Export Management and Compliance Program (EMCP) in a Resource-Scarce Environment: Key Elements to Include in Your Compliance Program, Policies and Procedures**

Robert Vander Lugt
 Director, Export Compliance & Training
 Northrop Grumman Corporation (Dallas, TX)

Arvind Sharma
 Senior International Trade Counsel
 Flowserve Corporation (Irving, TX)

Laura Molinari
 Counsel, International Trade
 GE Aviation (Washington, DC)

- Building your business case to senior management
- How much you need to spend: Tailoring your EMCP to your corporate structure, size, resources, specific risks and global operations
- What to do when you have little to no budget: Creative, inexpensive ways of developing and implementing an EMCP
- Creating an anonymous reporting tool and compliance hotline
- Designing an EMCP for your foreign subsidiary and affiliate: Key components and differences with your U.S. operations
- Core elements of a Material Requirements Planning (MRP) system for orders at different shipping points
- Designing an internal training program for your company: How to train your sales, HR, procurement, contracts, business development, accounting and other departments to foster compliance awareness
- When and how to conduct continuous risk assessments of your EMCP, and what to review:
 - who should conduct an internal risk assessment or audit
 - developing document gathering and other procedures
 - determining whether your written procedures address product and country export and re-export restrictions
 - developing a review matrix against anticipated international orders and countries in your marketing plan
 - mechanisms to identify whether embargoed countries, Wassenaar reporting and Restricted Parties are involved in an export transaction

10:00 **The Price of an EAR Violation: How BIS Targets Companies and Individuals, and Calculates Penalties**

Kenneth G. Weigel
 Partner
 Alston & Bird LLP (Washington, DC)

- What kinds of EAR violations can trigger BIS enforcement
- What pushes a case from a warning letter to a penalty, and what can lead to a criminal prosecution
- What can mitigate vs. increase your company's exposure
- Lessons learned from recent enforcement actions, including the *Inospec* case
- Update on recent penalty trends, and what has triggered the largest vs. smallest penalties
- Potential impact of the Obama Administration's new export control initiatives on enforcement plans, priorities and penalty amounts

10:30 **Networking Coffee Break**

10:45 **How to Monitor EAR Compliance across Your Global Supply Chain: Vetting, Monitoring and Training Third Parties to Reduce Civil and Criminal Liability Risks**

Joseph A. Vicario, Jr.
 Senior Counsel, International Trade Regulation
 Texas Instruments, Incorporated (Dallas, TX)

Helaine Lobman
 Assistant General Counsel
 Mitsubishi Electric USA (Somerset, NJ)

Kwesi Baiden
 Senior Legal Counsel
 EnSCO (Houston TX)

- Key EAR requirements for freight forwarders and other third parties across the supply chain
- Where the exporter's responsibility for third party compliance begins and ends: When and how much to train third parties, and how much is too much
- How to vet third parties, including subcontractors, freight forwarders, distributors, customs brokers, customers, re-sellers and others: What to look for and ask at the due diligence stage
- Contractual safeguards to implement for orders and shipments, and when to terminate the relationship because of export enforcement risks
- Nature and extent of audit rights to include in third party contracts, and how to exercise them
- How to monitor supplier and other third party outsourcing activities

11:45 **Recordkeeping: Satisfying EAR Requirements for Record Retention, Retrieval and Destruction Procedures**

Suzanne D. Reifman
 Partner
 Vinson & Elkins LLP (Washington, DC)

- Key recordkeeping requirements in the EAR
- Reporting technical data exports, and data disclosed over the life of a license
- Types of records that need to be retained and how, including:
 - SED or AES records
 - transport documents
 - licenses and supporting documentation
 - memoranda, notes and correspondence
 - contracts, accounting and financial records
- Coordinating with sales, shipping, logistics, accounts payable and other departments to coordinate and centralize recordkeeping
- Developing data maintenance, preservation, retrieval and destruction procedures for your domestic and overseas offices
- Updating automation tools, and how to assess available software and vendors
- How long to retain records, and how to dispose of them
- When and how BIS and CBP inspect your records, and what they look for

12:15 **Networking Lunch**

1:30 **What to Do if You Suspect or Discover an EAR Violation: Structuring an In-Depth, Cost-Efficient Internal Investigation**

Dana Nahlen
 Director of International Compliance
 SunGard (Dallas, TX)

Kerry Tassopoulos
 Vice President, Government Relations and Compliance
 Mary Kay, Inc. (Dallas, TX)

Adrienne Braumiller

Partner

Braumiller Schulz LLP (Dallas, TX)

- Factors in deciding whether an internal investigation is necessary
- When to call BIS before starting an internal investigation, and what to say
- Determining the nature and scope of review
- When to use outside vs. in-house resources
- Structuring an internal investigation
 - composing the right investigative team
 - types of documents to review and what to look for
 - how far to drill down
 - privilege protection and related considerations
- Sharing the findings: How to communicate the findings across departments
- Identifying appropriate corrective action, and how to implement the measures

2:30 Refreshment Break

2:45 Encryption Controls: How to Apply Key Requirements, License Exceptions and Recent EAR Changes to Your Hardware, Software and Technology

Lourdes Valdez Carson

Director of Trade Compliance

Ericsson, Inc. (Dallas, TX)

Antoinette D. Paytas

Partner

Thomsen & Burke LLP (Baltimore, MD)

- Revisiting the jurisdiction of your encryption items based on an updated CCL: Practical impact of removing publicly available mass market encryption software off the CCL
- Defining “ancillary cryptography”
- Resolving classification challenges: When and how to self-classify vs. seek government review
- When a license is required for encryption products and what triggers a license approval/denial
- When and how to export encryption items under License Exception ENC and under the “mass market” provisions
- How Note 4 applies to your classification process: Determining EAR99 classification
- Modifying existing software to include encryption-related technology, and how to re-classify
- When BIS approvals for foreign manufactured encryption products are required, and how to obtain them
- Key product information and required annual reports to BIS when self-classifying
- Definition of “cryptographic activation” under the Wassenaar decision and how this impacts your encryption licensing strategy

3:45 Voluntary Disclosures: Core Elements to Include in Your Disclosure to Mitigate Penalty Risks

Mark C. Joye

Partner

Baker Hostetler LLP (Houston, TX)

- The pros and cons of formal reports and voluntary disclosures to BIS
- BIS guidelines, expectations and EAR requirements
- How to prepare a voluntary disclosure:
 - how much to disclose in your report
 - what attachments to provide and how to summarize them
 - what to say and how to say it
 - disclosing small vs. large violations: Differences in your disclosure approach

- How BIS assesses voluntary disclosures, and key factors in their penalty assessments
- Mitigating and aggravating factors affecting penalty calculations
- What to expect from BIS post-disclosure: Recent trends in required corrective action
- When voluntary disclosures can trigger a BIS demand or request for an outside audit

4:30 Exporting to Embargoed Countries: What You Need to Know about Overlapping EAR, U.S. Economic Sanctions and Antiboycott Restrictions Affecting Your Business

Dana Nahlen

Director of International Compliance

SunGard (Dallas, TX)

Leigh T. Hansson

Partner

Reed Smith LLP (Washington, DC)

- The role and jurisdiction of the Office of Foreign Assets Control (OFAC) over export transactions, and their interaction with BIS
- Key economic sanctions restrictions affecting global exports, and how they overlap with the EAR
- What role will BIS play in enforcing Iran and Syria sanctions: Managing overlapping jurisdiction between BIS and OFAC
- When an export can trigger economic sanctions restrictions in addition to EAR compliance
- What triggers a denial of export privileges, penalties and other enforcement mechanisms by OFAC in addition to BIS
- Key differences between BIS v. OFAC antiboycott requirements
- Lessons learned from key cases, including:
 - *Balli Aviation*
 - *TAK Components, Inc.*
 - *Reza Mohammed Tabib*
 - *Barclays Bank PLC*
 - *Maersk Line, Ltd.*
- How to incorporate OFAC screening requirements into your EMCP

5:15 EAR Boot Camp Concludes



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January 27, 2012

C: A Practical Guide to Implementing Deemed Export Requirements: How to Select, Apply and Monitor IT and Physical Controls on Foreign National Access

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