# ACI
## American Conference Institute
### Business Information in a Global Context

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**Omni Chicago Hotel | Chicago, IL**

**May 23–24, 2016**

# EAR
# Boot Camp

**May 25, 2016**

# ITAR
# Boot Camp

## A Deep Dive Into Export Controls Compliance Regulations Post-Reform

**Attend Both & SAVE!**

## Receive the latest licensing intelligence from senior government officials:

*Gene Christiansen*
Senior Licensing Officer
**Bureau of Industry & Security**
**U.S. Department of Commerce**

*Kenneth Oukrop*
Director, Licensing Directorate
**DTSA, U.S. Department of Defense**

## Prosecutors speak on export enforcement trends:

*David Nardella*
Assistant Special Agent-In-Charge
**Office of Export Enforcement**
**U.S. Department of Commerce**

*Daniel Johnsen*
Group Supervisor,
Homeland Security Investigations
**U.S. Department of Homeland Security**

*Tracey Bridges*
Supervisory Special Agent
**Federal Bureau of Investigation**

## As the initial phases of Export Control Reform come to a close, these practical Boot Camps deliver a comprehensive refresher of export compliance:

- *Jurisdictional determination and classification* post-reform

- Licensing processes and exceptions or exemptions including *Strategic Trade Authorization (STA)*

- The state of *Export Control Reform*, including reformed commodities, definition harmonization and common misunderstandings

- *"Specially Designed"* reclassification approach under the new definition and the *"catch and release"* process

## Benchmark with leading exporters, both big and small:

- 3M
- BAE Systems
- Boeing
- Delphi
- Dover
- General Motors
- Grainger
- John Crane
- Meggitt-USA
- Molex
- Northrop Grumman
- Oshkosh Corporation
- Raytheon
- Vista Outdoor

- Cybersecurity considerations in light of tightening *intrusion and surveillance controls* in implementation of the Wassenaar Arrangement

- *Rapidly evolving OFAC sanctions* including Russia/Ukraine, Cuba, Iran and others, and how U.S. Treasury's controls impact EAR and ITAR obligations

## Deepen your Knowledge with Interactive Sessions

✓ *Champagne Roundtable Discussions* on compliance professional recruitment, cybersecurity and compliance management software

✓ *Empowered Officials* discussion group to share tips, tricks and best practices

✓ Interactive *Export Management & Compliance Program* benchmarking sessions

Association Partner: **CompTIA**

## Register Now | 888 224 2480
AmericanConference.com/EAR and AmericanConference.com/ITAR

**a C5 Group Company**
Business Information in a Global Context

**As the bulk of Export Control Reform reaches implementation, NOW is the time to implement best practices, benchmark and mitigate enforcement risks.**

From the significant definitional and jurisdictional changes associated with Export Control Reform to the many technical licensing and screening requirements inherent to both the EAR and the ITAR, both new hires and seasoned professionals need the opportunity to strengthen fundamental understanding and share best practices with industry cohorts.

Nearing a presidential administration turnover, we are currently granted a snapshot of clarity in the regulatory environment, thus there hasn't been a more critical time to step back and assess your compliance program. Given both financial penalties and reputational implications associated with potential violations, your team must be equipped with a comprehensive toolset to understand and comply with both sets of regulations.

Returning to Chicago by popular demand, **American Conference Institute's 5th National Export Administration Regulations (EAR)** and **14th International Traffic in Arms Regulations (ITAR) Boot Camps** deliver a comprehensive fundamentals review as well as intermediate- to advanced-level discussions over complex issues facing industry. **ACI** Boot Camps are widely regarded as providing the most in-depth, "soup to nuts" approach to compliance education, helping industry fulfill all regulatory compliance expectations.

Register early as seats for these Boot Camps are expected to fill to capacity. Most companies choose to send a team, and we offer generous group discount opportunities. Call 1-888-224-2480 to **REGISTER NOW**.

## WHY ACI?

**American Conference Institute** attorneys and industry experts conduct extensive research to craft a uniquely practical, relevant and timely agenda encompassing the hottest compliance obstacles facing exporters today. While export control reform continues to affect many industries, these Boot Camps seek to approach with equal emphasis the "evergreen" EAR and ITAR topics that are continuously a top priority for industry.

## WHO ATTENDS?

> Empowered Officials, Export Compliance Specialists, Coordinators and Administrators

> Vice Presidents, Directors and Managers of:
  - Export Compliance
  - Export Administration
  - Export Controls
  - Export Policy
  - Export Sales
  - Export Licensing
  - International Trade Compliance
  - International Contracts or Agreements

> General Counsel's Office
  - Vice President, Legal Affairs/ Operations
  - International Trade Counsel
  - Export Compliance Counsel

> Export Controls Counsel and Consultants

> Engineering Professionals

### Global Sponsorship Opportunities

With more than 300 conferences in the United States, Europe, Asia Pacific, and Latin America, **American Conference Institute** (**ACI**) provides a diverse portfolio devoted to providing business intelligence to senior decision makers who need to respond to challenges spanning various industries in the US and around the world.

As a member of our sponsorship faculty, your organization will be deemed as a partner. We will work closely with your organization to create the perfect business development solution catered exclusively to the needs of your practice group, business line or corporation.

For more information about this program or our global portfolio of events, please contact:

**Wendy Tyler**
Director of Sales, **American Conference Institute**

Tel: **212-352-3220 x5242**
w.tyler@AmericanConference.com

## ACI
**American Conference Institute**
Business Information in a Global Context

This year marks 30 years since the inception of C5 Group.

30 years hosting more than 6,000 conferences

30 years building a network of industry leaders

30 years expanding across the globe

It is time for a brand, logo and language in keeping with the dynamic strides we have made as a company. It is time for a brand that will take us forward for the next 30 years.

C5 Group, comprising American Conference Institute, The Canadian Institute and C5 in Europe, will unite under one central brand image, appropriately a globe. See how bringing together the power of people and the power of information can accelerate your growth and success.

Our new brand look and language will be fully revealed soon. Stay tuned for more exciting changes.

**8:15**    ## Co-Chair's Opening Remarks

*Kay Georgi*
Partner
**Arent Fox LLP (Washington, D.C.)**

*Pierre LaMere*
Trade Compliance Manager
**3M Company (Minneapolis, MN)**

**8:30**    ## Who Does What Post-Reform?
## Understanding the Roles, Resources and Acronyms Associated with EAR Compliance

*Kay Georgi*
Partner
**Arent Fox LLP (Washington, D.C.)**

When you find yourself struggling with unknown acronyms, where do you turn? Sometimes, even the most strategic internet searches prove unhelpful for your toughest compliance conundrums. This practical opener provides a comprehensive framework of Export Administration Regulations terminology, including:

- Reviews key agencies, their roles and purviews: Bureau of Industry & Security (BIS), Office of Export Enforcement (OEE), Directorate of Defense Trade Controls (DDTC), etc.
- Departmental jurisdiction: Who to call and for what?
- Basic acronyms: CCL, ECCN, USML, CCATS, AES, DPL, DPS, etc.
- Tips and tricks for maintaining constructive relationships with government departments/agencies
- Resources: online, key individuals, and how to keep current with the regulations

### JURISDICTIONAL DETERMINATION AND CLASSIFICATION

**9:00**    ## Getting CCL Classification Right:
## How to Navigate the CCL, the Scope and Application of EAR99, and Best Practices for Self-Determinations

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

*Christy Areste*
Global Trade Compliance Regional Manager,
North America Exports
**Grainger (Chicago, IL)**

*Christopher Skinner*
Principal
**Squire Patton Boggs LLP (Washington, D.C.)**

- Jurisdictional considerations when determining whether an item is controlled under the EAR
- Organization and scope of the Commerce Control List (CCL)

- Applying the EAR's "order of review" and the BIS "order of review" decision tool
- Navigating CCL categories, product groups and series
- Military items controlled under the EAR and the "600 Series"
- Determining the ECCN for your product:
  - Important questions to ask when classifying new technologies, and conducting market and IT functionality analyses
  - When to contact the manufacturer, producer or developer and what questions to ask
  - Determining the appropriate CCL Category and Group
  - How to apply the "specially designed" criteria in the CCL
  - Matching the specific characteristics of your item to an ECCN
- Next steps after obtaining your ECCN, including how to review the Commerce Country Chart to determine whether an export license is required
- ECCN restrictions that apply to denied parties
- Varying degrees of export control based on the ECCN's country of end-use
- What to do if no ECCN fits your product?
- Understanding the EAR99 designation and its implications
- When and how to submit a commodity classification request (CCATS) to BIS

**9:45**    ## Catching and Releasing with the New "Specially Designed": How to Approach Reclassification in Light of Definitional Changes and CCL/USML Harmonization

*Moises Gonzales*
Head of Global Compliance
**CNH Industrial (Chicago, IL)**

*Kristen Lane*
Trade Compliance & Operations Manager
**Molex Incorporated (Lisle, IL)**

*Susan Kovarovics*
Partner
**Bryan Cave LLP (Washington, D.C.)**

- Understanding the new "specially designed" definition in ITAR § 120.41 and EAR § 772.1
- Interpreting the definition and understanding the impact on your military and/or commercial items
- Tips and tricks for self-determining items as "specially designed" and understanding exemptions
- BIS's "specially designed" decision tool
- "Catch" and "Release" case study, navigating paragraph (a) and (b), and common errors in the new, harmonized process
- Documentation and recordkeeping associated with supporting your determination
- Other recently reformed definitions within the EAR

**10:45**    Networking Break

> *ACI leads in enabling and facilitating excellent conferences, active interaction, and speakers who are willing to describe and offer legal advice and best practices.* – Tyco

**11:00**   **Export Control Reform Refresher:**
A Review of Reformed Commodities, Processes, Jurisdiction, the "Order of Review" and Common Misunderstandings

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

*Joan Koenig*
Counsel
**Drinker, Biddle & Reath LLP (Chicago, IL)**

- Which sections of the Commerce Control List (CCL) have changed due to export control reform?
- Approaching the CCL Order of Review process
- Key migrations from the USML to the CCL, including Categories VI, VII, VIII, XI, XV, XIX, the "500" and "600" Series
- USML categories pending reform, including Categories XII, XVIII, I, II, and III
- Key differences between the treatment of ITAR items, the "500" and "600" Series ECCNs
- ECR pitfalls examples and tips for mastering the new system
- What other aspects of ECR have yet to be implemented (and will they)?

**11:45**   **EAR Jurisdictional and Classification Case Studies:** Practicing the New Post-Reform Processes

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

*Tom Anderson*
In-House Legal Counsel
**AVEVA Inc. (Houston, TX)**

*Melissa Duffy*
Partner
**Hughes Hubbard & Reed LLP (Washington, D.C.)**

Leveraging interactive, hands-on exercises, EAR experts will collaboratively navigate you through case studies culminating all of the jurisdictional and classification processes covered in the morning sessions. Discussion will focus on correct application of the nuts and bolts and how to avoid key pitfalls that could lead to incorrect self-determinations.

**12:45**   Networking Luncheon

## DEEMED EXPORTS, TECHNOLOGY CONTROLS AND CYBERSECURITY

**2:00**   **Meeting EAR Requirements for Technical Data:** How to Develop a Technology Control Plan to Mitigate Technology Transfer Risks in a Cloud-Optimized Age

*Pierre LaMere*
Trade Compliance Manager
**3M Company (Minneapolis, MN)**

*Michael Burton*
Member
**Jacobson Burton Kelley PLLC (Washington, D.C.)**

- Key definitions including "technology" and "technical data"
- What delineates a "release" of technology, software or technical data?
- Understanding EAR guidelines and regulations applicable to technology
- Emails
  - When should emails be encrypted? What is the scope of required encryption controls under the EAR?
  - Key elements, policies and procedures for employee email usage
- Laptops, employee travel
  - Protecting technical data on laptops for employee travel
  - Implementing a compliant "loaner program"
  - When to loan a "clean" laptop or rent one from a third party
  - Ensuring routine export compliance check on laptops
- Smartphones, Tablets, Mobile Devices
  - Understanding how email traffic travels when using a portable device abroad
  - How to determine if information is hitting multiple servers and if meta-data is being stored
- Cloud Computing
  - Who is an "exporter" in a cloud environment? Exploring the practical impact of BIS interpretive rulings
  - Vetting prospective service providers to understand who is hosting and managing the network
  - Determining the requisite level of virtual access controls for foreign national employees and third parties
- Requirements for recordkeeping, storage, data maintenance, preservation and retrieval procedures
- Working with your IT department and conducting reviews of your IT program

**3:00**   **Avoiding Deemed Export Violations:** How to Conduct Effective Foreign National Screening and Identify when a BIS License is Required

*David Martell*
Director, Global Trade Compliance
**Oshkosh Corporation (Oshkosh, WI)**

*Rafael Saakyan*
Export Compliance Manager
**Delphi (Troy, MI)**

*Daniel Fisher-Owens*
Partner
**Berliner, Corcoran & Rowe, LLP (San Francisco, CA)**

- Key definitions including "deemed export," "re-export" and "foreign national"
- When is a BIS license required for a foreign national?
- How does the EAR treat birth and nationality? 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
- Determining nationality of prospective employees and others within foreign legal limits
  - Completing Form I-129, Petition for a Nonimmigrant Worker
  - Controls that are specific to China under new rules for company travel
  - What to do when EAR requirements conflict with foreign privacy and human rights laws
- Answering questions about your deemed export compliance program
- Ensuring 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
- Coordinating EAR compliance, HR and the visa application process to avoid export delays and interruptions
- Tracking employee turnover, transfers to a new location. succession planning and ensuring ongoing compliance in an ever-changing global workforce

**3:45** Networking Break

**4:00** **How to Comply with BIS Changing Cybersecurity Rules:** Controlling Intrusion and Surveillance Items

*Toni Paytas*
Partner
**Thomsen and Burke LLP (Baltimore, MD)**

- Review of the BIS's proposed rule and comparison to Wassenaar control list
- Key definitions:
  - "Intrusion software" and associated exceptions
  - "Monitoring tools"
  - "Protective countermeasures"
  - IP network communications surveillance "systems" or "equipment" and associated exceptions
- Balancing intrusion and surveillance human rights implications with potential limits to cybersecurity research
- Understanding the scope of controls on open source and mass market software

**4:45** **Deciphering EAR's Encryption Controls:** Understanding Key Requirements, Exceptions and Complicated Changes that Affect your Technology

*Julia Court-Ryan*
Senior Counsel, Global Trade Compliance
**Raytheon (Washington, D.C.)**

*Ethan Crooks*
Associate General Counsel
**Magnetrol International (Chicago, IL)**

*Leigh Hansson*
Partner
**Reed Smith LLP (Washington, D.C.)**

- Revisiting the jurisdiction of your encryption items based on an updated CCL and the practical impact of removing publicly available mass market encryption software off the CCL
- Defining "ancillary cryptography"
- When to self-classify versus seeking government review
- When is a license required for encryption products and factors that trigger license approval or denial
- Utilizing License Exception ENC to export encryption items under the "mass market" provisions
- Determining EAR99 classification, and how Note 4 applies to your classification process
- Modifying existing software to include encryption-related technology, and the associated reclassification process
- When is BIS approval for foreign manufactured encryption products required?
- Key product information and required annual reports to BIS when self-classifying
- Special considerations for foreign nationals using encryption
- Definition of "cryptographic activation" (part 772) under the Wassenaar plenary decision and its impact on your encryption licensing strategy
- BIS encryption exclusions implemented as part of recent Wassenaar changes

### PEER-TO-PEER BENCHMARKING

**5:30** **Champagne Roundtable Discussions**

Continue to network and benchmark in targeted, topic-focused groups. Each discussion will cover a relevant issue facing the export controls industry, including:

- Recruiting compliance professionals
- Compliance management software
- Empowered officials roundtable
- Cybersecurity discussion

**6:15** Boot Camp Adjourns

" *This has been the best conference I have been to in years! The info was timely and up-to-date. The speakers were engaging and knowledgeable.*
– Finmeccanica North America

*Provides in-depth, practical knowledge and experience that I will be able to take back to improve our processes and program.*
– Oshkosh Corporation "

**8:25** Co-Chair's Opening Remarks

### LICENSING AND EXCEPTIONS

**8:30** **Structuring your EAR License Application to Impress BIS:** The Fundamentals of Form BIS-748P, using SNAP-R and Best Practices to avoid RWAs

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

*Anthony Capobianco*
Partner
**Hogan Lovells LLP (Washington, D.C.)**

- Form BIS-748P and the SNAP-R system
- Export Control Reform transition rules affecting EAR licensing
- 600 Series licensing and associated challenges
- How to draft effective license applications
  - BIS requirements and expectations
  - Supplemental information required
  - Developing data sheets, end-user statements and cover letters
- Preparing supporting documentation
  - Verification of ECCNs
  - End-use of items to be exported
  - Documents supplied by the prospective purchaser
  - International import certificate
  - Statement of ultimate consignee and purchaser
  - Technology Control Plans and other detailed information for deemed export applications
- The approvals process, expected timeline and how to reduce the risk of delay
  - Requests for additional information
  - How are licensing determinations made by BIS?
  - What triggers a Return Without Action (RWA)?
  - Accepting and implementing conditions
- Process for amending a license
- Re-export licenses and license responsibility for foreign parties

**9:30** **Leveraging EAR License Exceptions,** Particularly STA, and How to Avoid Costly Mistakes

*Katherine Heubert*
Senior Manager,
GTC Licensing & Policy
**Boeing**
**(Washington, D.C.)**

*Kay Georgi*
Partner
**Arent Fox LLP**
**(Washington, D.C.)**

- Key exceptions and their scope of application, including:
  - Limited Value Shipment (LVS)
  - Servicing and Replacement of Parts and Equipment (RPL)
  - Strategic Trade Authorization (STA)
  - Technology and Software Restricted (TSR)
  - Technology and Software Unrestricted (TSU)
  - Temporary Imports, Exports, Re-Exports, and Transfers (TMP)

- License exceptions for the export of 600 series items
- Understanding when 600 series items will and will not qualify for the STA exception

**10:30** Networking Break

### KNOWING YOUR PARTNERS AND CUSTOMERS

**10:45** **How to Comply with Restricted Party Screening Requirements:** Vetting and Due Diligence for Red Flags, Third Parties, End-Users and End-Uses

*Michael Ford*
Chief Compliance
Officer
**BDP International**
**(Philadelphia, PA)**

*Beverly Wyckoff*
Associate Counsel,
Global Regulatory Affairs
**Dover Corporation**
**(Downers Grove, IL)**

*Annie Froehlich*
Associate
**Latham & Watkins LLP (Washington, D.C.)**

- Key EAR requirements for freight forwarders and other third parties throughout the supply chain
- Where the exporter's responsibility for third party compliance begins and ends and when and how to train third parties
- Vetting and due diligence of third parties, including subcontractors, freight forwarders, distributors, customs brokers, customers, re-sellers and others
- Contractual safeguards to implement for orders and shipments, nature and extent of audit rights, and when to terminate the relationship due to export enforcement risks
- How to monitor supplier and other third party outsourcing activities
- Interpreting the Chinese military end-use rule

**11:45** **Status Update on the Fast-Evolving OFAC Economic Sanctions Landscape,** How They Interact with the EAR, What Has Relaxed and What Remains

*Chad Thompson*
Attorney
**General Motors (Detroit, MI)**

*Beverly Wyckoff*
Associate Counsel, Global Regulatory Affairs
**Dover Corporation (Downers Grove, IL)**

*Lori Scheetz*
Of Counsel
**Wiley Rein LLP (Washington, D.C.)**

- Review of current sanctions restrictions, including: Russia/Ukraine, Cuba, Iran, Sudan, Syria, Burma/Myanmar and North Korea
- What are anticipated U.S. and foreign economic sanctions regulatory developments for 2016?
- How changing U.S. Treasury regulations impact your compliance with the EAR
- Meeting all U.S. government agency compliance expectations, due diligence, and protecting your organization

**12:45** Networking Luncheon

## ENFORCEMENT AND YOUR COMPLIANCE PROGRAM

**2:00 Export Management and Compliance Program Post-ECR:** What Are the Core Elements of an Effective and Up-to-Date Compliance Program

*Michael Ford*
Chief Compliance Officer
**BDP International (Philadelphia, PA)**

*Pierre LaMere*
Trade Compliance Manager
**3M Company (Minneapolis, MN)**

*Katherine Heubert*
Senior Manager, GTC Licensing & Policy
**Boeing (Washington, D.C.)**

*Kenneth Weigel*
Partner
**Alston & Bird LLP (Washington, D.C.)**

- How Export Control Reform affects your Export Management and Compliance Program (EMCP)? Senior panelists review compliance program revisions post reform:
  - How has company approached the changes?
  - What changes have been made including updating documents, data marking, classification procedures, classification database, compliance personnel and reviews and audits
- Paying for an EMCP
  - How much do you need to spend? Tailoring your EMCP to your corporate structure, size, resources, specific risks and global operations
  - What to do with little to no budget? Creative (and inexpensive) ways of developing and implementing an EMCP
  - Can you outsource? What? And how much will it cost?
  - Can I use the BIS model EMCP? Comparing your EMCP to the BIS model
- National versus Global EMCP? Designing an EMCP for your foreign subsidiary and affiliate, and understanding the key differences from your U.S. operations
- Implementing your EMCP
  - Designing an internal training program for your company to effectively educate sales, HR, procurement, contracts, business development, accounting and other departments to foster compliance awareness
  - Who should conduct training? How do you go about training the export controls trainer?
  - Tips and tricks for teaching employees to identify potential violations
  - Training across languages and cultures in global organizations, challenges and pitfalls
  - Creating an anonymous reporting tool and compliance hotline for your organization

**3:00** Networking Break

**3:15 Internal Investigations and Disclosures:** What to Do When you Suspect an EAR Violation?

*Meredith Rathbone*
Partner
**Steptoe & Johnson LLP (Washington, D.C.)**

- Red flags and irregularities that indicate an internal investigation needs to be conducted
- Developing an investigative plan, and determining internal and external team members
- Documentation collection and review processes inherent to an internal investigation
- Factors to consider for a global organization with multi-national offices and operations
- The pros and cons of formal reports and voluntary disclosures to the BIS
- BIS guidelines, expectations and EAR requirements in disclosure submittal
- Preparing a Voluntary Disclosure
  - How much is disclosed on the report?
  - What attachments must be provided, and how are they appropriately summarized?
  - Disclosing small versus large violations, and the differences to the disclosure approach
- How BIS assesses voluntary disclosures, and what are the key factors in their penalty assessments?
- Mitigating and aggravating factors affecting penalty calculations
- What should you expect from BIS post-disclosure? Recent trends in required corrective action and follow-up
- When a voluntary disclosure triggers BIS to request or demand an outside audit

**4:15 EAR Enforcement Case Studies and Q&A:** How Investigations Occur, What Triggers Suspicion, and Best Practices for Interfacing with the Authorities

*Tracey Bridges*
Supervisory Special Agent
**Federal Bureau of Investigation (Washington, D.C.)**

*Daniel Johnsen*
Group Supervisor, Homeland Security Investigations
**U.S. Department of Homeland Security (Chicago, IL)**

*David Nardella*
Assistant Special Agent-in-Charge
**Office of Export Enforcement, U.S. Department of Commerce (Oakbrook Terrace, IL)**

*Kimberly Strosnider*
Partner
**Covington & Burling LLP (Washington D.C.)**

In this interactive and practical exercise, senior enforcement experts will lead you through hypothetical case studies exhibiting how a violation is handled inter-agency. In addition to highlighting penalty trends and areas of enforcement focus, this process will culminate in a Q&A session, speaking to:

- How do the various enforcement agencies work collaboratively to enforce the EAR?
- What kinds of EAR violations trigger an enforcement response?
- How has Export Control Reform impacted enforcement plans, priorities and penalty amounts?
- What pushes a case from a warning letter to a penalty, and what can lead to criminal prosecution?
- What can mitigate versus increase your company's exposure?
- How do you handle law enforcement requests for help in the investigation of a third party?

**5:15** EAR Boot Camp Concludes

**8:00**  **Co-Chair's Opening Remarks**

*Kristin Smith*
Executive Director, International Trade Compliance
**UTC Aerospace Systems (Rockford, IL)**

*John Barker*
Partner
**Arnold & Porter LLP (Washington, D.C.)**

**8:15**  **ITAR Boot Camp Primer: Key Agencies, Registration Requirements, and Helpful Resources**

*Kristin Smith*
Executive Director, International Trade Compliance
**UTC Aerospace Systems (Rockford, IL)**

This jump start opener is intended to update attendees on critical terminology and agencies inherent to the regulations. It provides a rough framework of the International Traffic in Arms Regulations, including:

- Reviews key agencies, their roles and purviews: Department of State (DoS), Directorate of Defense Trade Controls (DDTC), Defense Technology Security Administration (DTSA), etc.
- Departmental jurisdiction: Who to call and for what?
- Basic acronyms: USML, AECA, CJ, DTAG, TAA, MLA, etc.
- Tips and tricks for maintaining constructive relationships with government departments/agencies
- Resources:  online, key individuals, and how to keep current with the regulations

> **DEFINITIONAL CHANGES AND JURISDICTIONAL DETERMINATION**

**8:45**  **Structuring your USML Classification Approach: Understanding the "Order of Review" Post-Reform, Determining ITAR Jurisdiction, and Submitting a Commodity Jurisdiction Request**

*Wendie Wigginton*
Empowered Official, Manager,
Export Licensing and Compliance
**Raytheon Company (McKinney, TX)**

*Lawrence Ward*
Partner
**Dorsey & Whitney LLP (Seattle, WA)**

- What is covered within the United States Munitions List (USML)?
- Jurisdiction consideration factors when determining whether an item is ITAR-controlled
- Clarifying ITAR application to commercial and "dual-use" items
- Commingling and integrating commercial and defense technologies
- Identifying when foreign commercial products and technology can become ITAR-controlled
- Approaching the ITAR's order of review process

- Navigating USML categories
- Preparing a Commodity Jurisdiction (CJ) Request
  - What do you need to submit?
  - What supporting material must be included?
  - Other key elements
  - Who should prepare CJ requests?
- Determining whether to file a CJ instead of conducting a self-determination
- DDTC and DTSA guidelines, expectations, and how to expedite the process
- Key factors affecting CJ determinations, including recent trends in rulings and lessons learned
- How to interpret CJ determinations? What can you do with the CJ after you obtain it?

**9:30**  **ITAR Post-Reform: Understanding Key Definitions including "Technical Data," "Export of Encrypted Technical Data," "Public Domain," "Defense Articles," "Defense Services" and "Specially Designed" to Determine What Remains ITAR-Controlled**

*Kenneth Oukrop*
Director, Licensing Directorate
**DTSA, U.S. Department of Defense (Washington, D.C.)**

*Bob Schuettler*
Vice President, International Regulatory Affairs
**Vista Outdoor Inc. (Washington, D.C.)**

*Giovanna Cinelli*
Chair, Export Controls and National Security Practice
Partner
**Dentons US LLP (McLean, VA)**

*Robert Monjay*
Foreign Affairs Officer, Defense Trade Controls Policy
**U.S. Department of State (Washington, D.C.)**

- A review of the USML categories that have migrated to the CCL and ITAR items pending reform
- Understanding definitions that have been harmonized by ECR and the consequences of harmonization
- Technical Data
  - Defining "technical data" and what constitutes an "export" of technical data
  - Determining whether technical data is in the "public domain" according to ITAR § 120.11
  - Identifying whether technical data is ITAR-controlled
  - DDTC guidance and expectations on how to control technical data
  - Reducing the risk of technical data export violations in offshore procurement ventures
  - Complying with restrictions governing "technical" discussions
  - Allocating responsibility for licensing technical data by third parties and addressing extraterritorial limits on the reach of ITAR controls
- Defense Services
  - What are "defense services" under the ITAR?
  - How does the broad definition of "defense services" affect commercial companies?

- How can U.S. persons engage in ITAR-controlled "defense services" by simply providing public domain information? How do the various pending lawsuits challenging the ITAR on First Amendment ground affect the use of public domain data as part of defense services?
- How do "defense services" cover technical data related to EAR-controlled items?
- The "specially designed or modified" reach of the ITAR, the "see through" rule and their application to your product

**10:15** Networking Break

**10:30** **ITAR Jurisdictional and Classification Case Studies:** Practicing the New Post-Reform Processes

*Kenneth Oukrop*
Director, Licensing Directorate
**DTSA, U.S. Department of Defense (Washington, D.C.)**

*Lizbeth Rodriguez-Johnson*
Of Counsel
**Holland & Hart LLP (Denver, CO)**

Utilizing interactive, hands-on exercises, ITAR experts will lead you through scenarios culminating the jurisdictional and classification approaches covered during the morning. These scenarios will cover:
- When has your product migrated to the EAR, or conversely, become ITAR-controlled?
- How does embedding US-origin content into foreign-produced items impact classification?
- Controlling the impact of product modification on jurisdiction since Export Control Reform
- Working collaboratively with engineers to ensure compliance with the ITAR and the EAR throughout R&D and the product life cycle
- Considerations when classifying sensitive technologies that are not on the USML

> ### LICENSES, AGREEMENTS AND EXEMPTIONS

**11:15** **Securing ITAR Agreements to Meet all Regulatory Requirements:  TAAs and MLAs**

*Alfred Furrs*
Director, International Trade Compliance
**BAE Systems (Arlington, VA)**

*Janet Pierce*
Head of Trade Compliance, The Americas
**Meggitt-USA, Inc. (Fort Collins, CO)**

*Eunkyung Kim Shin*
Associate
**Baker & McKenzie, LLP (Chicago, IL)**

- When and how to establish TAAs, TAA Amendments, re-baselined TAAs and MLAs
- When should you cover foreign nationals under TAAs and MLAs?
- Degree of information expected by DDTC and DTSA in TAA scope of export and statement of work
- What do DDTC and DTSA expect beyond the written guidelines?

- How do you go about preparing an amendment application?
- Interactive analysis of sample TAAs and MLAs
- How do you assess what needs to be amended and the impact of export control reform?
- Concrete examples of successful amendment techniques

**12:00** Networking Luncheon

**1:15** **Securing an ITAR License:** Common Mistakes that Can Delay the Application, the Electronic Filing Process, and How to Avoid RWAs

*Kenneth Oukrop*
Director, Licensing Directorate
**DTSA, U.S. Department of Defense (Washington, D.C.)**

*Barbara Dudas*
Export Management, Electronic Systems
**Northrop Grumman Corporation (Rolling Meadows, IL)**

*Wendie Wigginton*
Empowered Official, Manager, Export Licensing and Compliance
**Raytheon Company (McKinney, TX)**

*Donna Bade*
Managing Member
**Sandler Travis & Rosenberg, PA (Chicago, IL)**

- What are the different types of ITAR licenses, and when are they required?
  - Approvals process
  - How do you expedite the process?
  - Timeframes and how to reduce the risk of delay
- Ensuring inclusion of hardware and technical data on a single license
- Licenses in furtherance of agreements
- Constructing an accurate scope of export in your license application
- Drafting a License Application
  - What needs to be included?
  - How do you fill out the forms using DTrade2?
  - How do you submit applications for hardware shipments, technical assistance exports, offshore procurement and technical data exports?
  - When should you use a letter of intent to support a license request?
- What does DDTC expect beyond the written guidelines?
- Structuring and valuing license authorizations
- Key reasons for Return Without Actions (RWAs) or license denials and how to prevent them

**2:00** **How to Use ITAR License Exemptions:** Understanding their Scope, Limitations and Avoiding Pitfalls

*Janet Pierce*
Head of Trade Compliance, The Americas
**Meggitt-USA, Inc. (Fort Collins, CO)**

*John Barker*
Partner
**Arnold & Porter LLP (Washington, D.C)**

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- Key exemptions, including:
  - U.S. person abroad/U.S. subsidiary
  - U.S. Government exemption
  - Canadian exemption
  - Return and repair exemption
  - Temporary imports
  - FMS exemption
  - Re-exports to NATO, Australia and Japan
  - UK and Australia exemptions
  - University fundamental research exclusion
- Exemption limitations

## THIRD PARTY OBLIGATIONS

**2:30**    **Complying with DDTC's Foreign, Dual and Third Country National Rules and Regulations**

*Kristen Lane*
Trade Compliance & Operations Manager
**Molex Incorporated (Lisle, IL)**

*Nancy T. Shivers*
Partner
**Shivers & Shivers (San Antonio, TX)**

*Debbie Shaffer*
Manager, Export/Import Department
**L3 Communications (Greenville, TX)**

- Key definitions:
  - "Foreign national", "Dual national", "Third country national", "U.S. person" and "Access"
- Understanding the impact of changes to dual and third country national requirements under ITAR § 126.18, and available exemptions
- How does the ITAR address the sharing of technology with foreign persons inside and outside the U.S.?
- Screening and interviewing foreign nationals without discriminating on the basis of national origin
- Reconciling the ITAR with EU, Australian and Canadian human rights and privacy laws
- Incorporating export controls language into your offer letters, employment agreements and using non-disclosure agreements (NDAs)
- Assigning foreign persons to ITAR sensitive areas, avoiding deemed export/re-export violations, and how to badge non-U.S. persons
- Outsourcing IT and engineering activities overseas in compliance with ITAR restrictions
- Controlling visitor access to restricted areas

**3:15**    Networking Break

**3:30**    **Understanding "Broker" and "Brokering Activities" Definitions and Implications**

*Bob Schuettler*
Vice President, International Regulatory Affairs
**Vista Outdoor Inc. (Washington, D.C.)**

*Debbie Shaffer*
Manager, Export/Import Department
**L3 Communications (Greenville, TX)**

- Review of the current requirements and how they impact industry
- What activities constitute "brokering"? Who is considered a "broker"?
- Application to foreign persons otherwise subject to U.S. jurisdiction
- When and how to get ITAR license approvals for brokers and meet reporting requirements
- Satisfying "prior notification" requirements and exemptions for large exporters and SMEs
- Best practices for broker agreements and activities
- Monitoring compliance by agents and representatives

## ENFORCEMENT AND COMPLIANCE BENCHMARKING

**4:15**    **ITAR Enforcement Case Studies and Q&A: How Investigations Occur, What Triggers Suspicion, and Best Practices for Interfacing with the Authorities**

*Michael Peters*
Supervisory Special Agent
**Federal Bureau of Investigation (Washington, D.C.)**

*Daniel Johnsen*
Group Supervisor, Homeland Security Investigations
**U.S. Department of Homeland Security (Chicago, IL)**

*David Nardella*
Assistant Special Agent-in-Charge
**Office of Export Enforcement, U.S. Department of Commerce (Oakbrook Terrace, IL)**

*John Barker*
Partner
**Arnold & Porter LLP (Washington, D.C.)**

In this interactive session, key government representatives will lead you through hypothetical scenarios exhibiting how a violation is handled inter-agency. Beyond recent penalty trends, this process will culminate in a Q&A session, speaking to:

- What are the agencies' approaches to ITAR enforcement?
- When can a company and/or an individual be held liable for an ITAR violation?
- How are fines and penalties being applied, and which violations have proven most costly?
- What triggers suspicion? What can help to mitigate penalties?
- When can a case become criminal?
- Criminal sentencing trends, and the extent of potential jail time

**5:15**    **Managing your ITAR Export Compliance Program through ECR: Recordkeeping, Reporting Requirements and Transitional Considerations**

*Kristin Smith*
Executive Director, International Trade Compliance
**UTC Aerospace Systems (Rockford, IL)**

*Barbara Dudas*
Export Management, Electronic Systems
**Northrop Grumman Corporation (Rolling Meadows, IL)**

**Moises Gonzalez**
Director, Global Trade Compliance
**CNH Industrial (Racine, WI)**

*Alfred Furrs*
Director, International Trade Compliance
**BAE Systems (Arlington, VA)**

- What does Export Control Reform mean for your ITAR compliance program? A review of key compliance program revisions as a result of reform
- Practical impact of transitional rules
- Tailoring your EMCP to your corporate structure, size, resources, specific risks and global operations
- Identifying and empowering the right internal resources and personnel
- Creating an anonymous reporting tool and compliance hotline for your organization

- Designing an EMCP for your foreign subsidiary and affiliate, and understanding the key differences from your U.S. operations
- Designing an internal training program for your company to effectively educate sales, HR, procurement, contracts, business development, accounting and other departments to foster compliance awareness
- Who should conduct training? How do you go about training the export controls trainer?
- Tips and tricks for teaching employees to identify potential violations
- Training across languages and cultures in global organizations, challenges and pitfalls

**6:15** ITAR Boot Camp Concludes

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### Explore key EAR and ITAR topics, including:

- Jurisdictional determination and classification post-reform
- Licensing processes and exceptions or exemptions
- The state of Export Control Reform
- Trending compliance topics including cybersecurity and evolving sanctions

### Hear from senior government officials representing:

- BIS, U.S. Department of Commerce
- DTSA, U.S. Department of Defense
- Federal Bureau of Investigation
- Office of Export Enforcement
- U.S. Department of Homeland Security

### Benchmark with leading industry experts from:

- 3M Company
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