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IMPORT COMPLIANCE

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CBP and ICE Enforcement and Trade Fraud Update



Marcy M. Forman
Director, Office of Investigations, ICE



Alan C. Cohen
Senior Attorney, Office of Regulations and Rulings



Anne Maricich
Field Oversight Director, Regulatory Audit, Office of International Trade

Get the latest information and strategic insights on:

- Maximizing ACE and ITRAC data benefits
- Meeting higher import safety requirements
- Protecting intellectual property rights at the border
- Maximizing FTA benefits and meeting FTA documentation requirements
- Developing an effective country of origin marking strategy
- When to file prior disclosures and how CBP evaluates them
- Implementing and monitoring a state of the art import compliance program
- Avoiding pitfalls when making Chapter 98 claims

EXCLUSIVE WORKSHOPS: September 24, 2008

A

Preparing for a Focused Assessment: The Complete Guide to Help You Get Through an FA

B

Fundamentals of FDA Compliance: What You Need to Know When Importing Food, Drugs, and Devices

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Is your company prepared to withstand the re-regulation of trade and increased CBP enforcement?

A Must-Attend Event For

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 - Customs Compliance
 - Customs Administration/Operations
 - International Trade Compliance
 - Import/Export Compliance
 - Global Trade Policy
 - Worldwide Import/Export
- Corporate Counsel
 - International Trade Counsel
 - Trade and Regulatory Counsel
 - Customs Counsel
 - General Counsel
- Attorneys Specializing in Customs and International Trade
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For more information about this program or our global portfolio of events, please contact:

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Group Leader & Business Development Executive
American Conference Institute

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w.tyler@AmericanConference.com

US importers are under tremendous pressure to comply with fast-changing trade regulations and deliver their products on time and cost efficiently. The highly anticipated 10+2 regulation, strengthened import safety rules, increased IPR enforcement at the border, and trade fraud now designated as a CBP priority send a clear message that US importers must be vigilant about setting up effective internal controls to meet new customs requirements.

Now in its 4th successful year, the **American Conference Institute's Advanced Forum on Import Compliance**, is the event that import compliance professionals rely on for comprehensive, insightful and practical guidance on how to set up a successful import compliance program. Benefit from the practical perspective of senior corporate customs compliance executives including **Del Monte, Hasbro, IBM, Raytheon, Hitachi, General Electric, Nestle, Target, Tyco International, and Williams-Sonoma**. Get an update on 10+2, ACE, ISA, C-TPAT validations and import safety standards, and hear from top CBP representatives on enforcement priorities. This year's agenda will include the latest information on:

- Planning for and implementing 10+2
- Adapting import operations to meet new import safety standards
- Managing multiple FTAs
- Harmonizing customs valuation and tax requirements
- How to complete the disclosure process and ensure credit is received
- Identifying if ISA is right for your company
- Recording priority trademarks and copyrights with CBP
- Harmonizing C-TPAT and foreign cargo security into an effective global security program
- Key considerations for a successful overseas C-TPAT validation

This event gets rave reviews every year. Don't miss this opportunity to benchmark your import compliance procedures and benefit from the insights of industry leaders. Register now to ensure your place at what is sure to be a sold-out event. Call 1-888-224-2480; fax your registration form to 1-877-927-1563; or register online at www.AmericanConference.com/import.

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MONDAY, SEPTEMBER 22, 2008

8:00 Registration and Coffee ☕

8:30 Opening Remarks from Conference Co-Chairs

Barry O'Brien

Director of Global Trade and Customs
Hasbro, Inc (East Providence, RI)

Robert J. Pisani

Partner
Pisani & Roll PLLC (Washington, DC)

8:45 Preparing for 10+2: What to do Now to Meet Additional Data Requirements

Bruce H. Leeds

Senior Export/Import Advisor
The Boeing Company (Long Beach, CA)

Suzanne J. Hoeger (Invited)

Director, Customs & Trade Compliance
Abbott (Abbott Park, IL)

Amy Magnus

District Manager
A.N. Deringer (Champlain, NY)

- Filing additional data elements: Who is responsible and what is expected from the importer, forwarder, and exporter?
- Avoiding shipment delays and no load messages
- Ensuring accuracy of data elements to avoid penalties for non-compliance
- How to minimize the impact of 10 + 2 on global supply chains
- How to protect 10 + 2 business confidentiality across borders
- Effective security versus costs
- Minimizing filing fees and user fees

10:00 Coffee Break ☕

10:15 Maximizing ACE and ITRAC Data Benefits

Don Huber

Global Customs Manager
General Electric Company (Ft. Myers, FL)

- Selecting the best vehicle to get trade data: pros and cons of ACE and ITRAC
- How ACE and ITRAC reports differ
- How to interpret and work with ACE and ITRAC data
- Coping with “technical difficulties” including data integrity and incorrect assumptions
- What the automated data won't tell you

- When to submit an ITRAC request
- Using ACE or ITRAC for corporate internal review and focused assessment preparation purposes

11:00 Import Safety: Adapting Customs Operations to Meet Higher Safety Standards

Timothy S. Ernst

Associate General Counsel
Del Monte Corporation (San Francisco, CA)

Henry Morita (Invited)

Inter-Market Logistics Manager
Nestle USA (Glendale, CA)

- Meeting requirements of good importer practices
- Assigning responsibility, accountability, and authority for the import safety response
- Developing procedures and controls to ensure a streamline process
- Implementing a harmonized import safety compliance program to meet diverging requirements of regulatory agencies
- Minimizing costs and administrative burdens of complying with new safety standards
- Preparing for additional data requirements and documentation

12:00 Networking Luncheon for Attendees and Speakers 

1:15 Implementing and Monitoring an Effective Import Compliance Program

Sally Meier

International Trade Compliance Manager, U.S.
IBM (Boulder, CO)

Carol Fuchs

International Trade Counsel
Tyco International Inc. (Washington, DC)

Kevin J. Willis

Senior Director, Export/Import Operations
Raytheon Company (Waltham, MA)

- Resources, tools and techniques leading companies are using to implement and maintain an import compliance program
- Preparing a compliance manual
- Deciding whether the compliance department should be centralized
- Assessing the company's internal controls related to imports
- Getting management buy-in: how to position compliance with your upper-management to encourage good practices
- How to train and communicate compliance requirements to increase employee adherence
- Structuring and staffing an in-house compliance function



“Very good. Well organized. Balanced context.”
 Suzanne Thoeni, Director, Enterprise Compliance, Wyndham Worldwide

2:30 Managing and Reconciling Multiple FTA Requirements to Minimize Duties

Steve Johnsen
 Manager, International Trade Compliance
 Bayer Corporation (Pittsburg, PA)

Tereza Horsky
 Import/Export Compliance Analyst
 Sojitz Corporation of America (New York, NY)

- Streamlining the FTA process: assigning responsibility, authority and accountability
- How to maximize benefits of preferential clauses
- Meeting the challenges of FTA documentation control
- Obtaining origin certificates from foreign suppliers
- How to prove FTA origin: the impact of sourcing and qualification
- Implementing and monitoring internal controls
- Responding to a free trade validation

3:30 Afternoon Refreshments

3:45 Overcoming Customs Valuation Challenges: Transfer Pricing and Assists

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

- Using financial data to ensure correct data reporting
- Harmonizing customs valuation and tax requirements
- Integrating transfer pricing processes with supply chain processes
- Transfer pricing documentation requirements
- Developing alternative methods of valuation for returns, defectives, inventory movements, zero dollar transactions, and no charge shipments
- Considerations for related party pricing
- Determining the value of an assist
 - Apportionment of the assist value
 - Implementing record keeping procedures to avoid overpayments of duties
 - Assist commissions royalties: dutiable considerations

4:30 Developing Effective Country of Origin Marking Procedures

Meredith Covey
 Director, Customs Operations and Compliance
 Williams-Sonoma, Inc. (San Francisco, CA)

Matthew M. Nolan
 Partner
 Arent Fox LLP (Washington, DC)

- Key considerations when marking your goods for import
- Developing origin tracking systems

- Coping with differential origin marking requirements and origin preference rules
- Reconciling differing country of origin marking requirements
 - Managing the process for multiple countries
 - Creating a product database demonstrating acceptable worldwide markings
 - Taking advantage of marking exceptions and marking waivers
- Application of country of origin to import relief laws: anti-dumping and countervailing duties
- Differential approaches for marking versus qualified for FTAs
- Disjunctive versus conjunctive marking issues
- How to determine where the last substantial transformation has occurred

5:30 Conference Adjourns

TUESDAY, SEPTEMBER 23, 2008

8:30 Co-Chair’s Opening Remarks

8:35 Import Enforcement Priorities: Trade Fraud as a new PTI

Marcy M. Forman
 Director, Office of Investigations
 Immigration and Customs Enforcement
 U.S. Customs and Border Protection
 U.S. Department of Homeland Security
 (Washington, DC)

Alan C. Cohen
 Senior Attorney
 Office of Regulations and Rulings
 U.S. Customs and Border Protection
 U.S. Department of Homeland Security
 (Washington, DC)

- ICE’s role in criminal investigations as it relates to commercial and trade fraud
- What led CBP to designate Trade Fraud as a Priority Trade Initiative and how this will affect the agency’s compliance and enforcement initiatives
- What violations can lead to a penalty action?
- The penalty process and your petitioning rights
- How the settlement or “offer in compromise” procedure works

9:45 Prior Disclosures: How to Know When It’s Time to File

Lourdes Valdez-Carson
 Senior Manager, Global Trade Compliance
 Flextronics (Plano, TX)

“I enjoyed the diverse variety of speakers, topics and areas of expertise.”

Sabine Hoppe, Manager, Export Compliance, Siemens

David P. Sanders

Partner

Williams Mullen (Washington, DC)

- How to determine whether submitting a disclosure is appropriate - including corporate considerations
- How to complete the disclosure process and ensure credit is received
- What if the non-compliance to be disclosed involves multiple ports and/or a large volume of entries?
- How to determine the scope of your disclosure (how far back should you go?)
- If a CBP formal investigation has begun, should you submit a disclosure anyway?
- Understanding ISA's unsung benefit: enhanced prior disclosure rights
- What about duties and interest? How and when a tender should be made

10:45 Coffee Break ☕

11:00 Is Your Company ISA Ready? Solving the ISA vs FA Dilemma

Mark Schissel

Manager, Global Trade Operations

Target Corporation (Minneapolis, MN)

Allison Hughes

Global Trade Manager

Hitachi High Technologies (Schaumburg, IL)

- What does ISA participation involve?
- Are ISA program benefits worth the investment?
 - Exemption from comprehensive audits
 - Hotline questions
- Assessing if your organization is “ISA” ready
- Weighing the cost benefits: is the investment worth it?
- Lessons learned from ISA certified companies: the application process
- Getting the corporate buy-in for ISA compliance program
- Meeting ISA's annual reporting expectations

12:00 Keynote Address: Preparing for a Focused Assessment

Anne Maricich

Field Oversight Director

Regulatory Audit Office of International Trade
Customs and Border Protection

U.S. Department of Homeland Security
(Washington, DC)

12:30 Luncheon for Attendees and Speakers

1:45 IPR: Implementing Proactive Strategies to Protect Intellectual Property at the Border

Barry O'Brien

Director of Global Trade and Customs
Hasbro, Inc (East Providence, RI)

Sturgis M. Sobin

Partner

Heller Ehrman LLP (Washington, DC)

- Working with customs: protection and registration of marks
- Recording priority trademarks and copyrights with CBP
- Creating internal databases to track information on international traffickers in infringing products
- Due diligence strategies and how to be proactive to protect IPR
- Implementing procedures to mitigate IPR infractions overseas
- Avoiding IPR violations when importing marked merchandise
- US/China developments on IPR enforcement
- Government responses to IPR violations: enforcement initiatives, seizure of merchandise and penalties

2:45 Managing C-TPAT and Integrating Global Security Requirements into an Effective Global Program

Karen M. Beaver

Transport & Logistics Operations

Northrop Grumman Corporation (Baltimore, MD)

Paula Swanson

Deputy Director, Trade Compliance

Sanofi Pasteur (Swiftwater, PA)

Courtney Seelinger

Senior Manager Trade Compliance

Tektronix (Beaverton, OR)

- Are trade security and trade compliance inextricably linked?
- C-TPAT update: “real” benefits of enrollment and perceived value added
- Conducting self-assessments to identify compliance gaps
- Developing C-TPAT with your expanding supply base to ensure compliance
- Deciding whether to enroll in foreign security programs: What AEO, PIP, Canada-US FAST scheme, and Frontline imply for a global business organization and what to consider
- Preparing for diverging requirements of foreign cargo security programs
- Harmonizing procedures of C-TPAT and foreign supply-chain cargo security programs
- How security ties-in with your internal customs processes
- Drawbacks of increased scrutiny on the global supply chain

“Good speakers, excellent networking opportunity and good information provided by CBP.”

Susanne Staats, Director, Customs, Starbucks

4:00 Foreign C-TPAT Validations: How to Pass the Test of an Overseas Visit

DJ Garner
Worldwide Trade Compliance Manager
Logitech (Fremont, CA)

- C-TPAT validations in China
- Who conducts the foreign C-TPAT validation?
- Setting realistic timeframes and expediting the process
- Preparing for the review
 - Is the scope of the review determined in advance?
 - What to do before the visit
 - Meeting documentation requirements

4:30 Return of US Goods: Dealing with Increased Enforcement Activity in Chapter 98

Michael E. Roll
Partner
Pisani & Roll PLLC (Los Angeles, CA)

- Eligibility and documentation requirements?
- Extensiveness and sufficiency of documentation required by customs
 - What other types of documents tend to be requested by customs to validate a Chapter 98 claim
 - NAFTA certificate of origin versus manufacturer's affidavits
- What types of special claims under Chapter 98 HTSUS are available?
- When should particular Chapter 98 HTSS provisions be utilized?
- What are the documentary requirements for Chapter 98 HTSUS claims and are they mandatory?
- Avoiding common pitfalls when making Chapter 98 claims

5:15 Conference Ends and Closing Remarks



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ACI understands that gaining perspectives from – and building relationships with – your fellow delegates during the breaks can be just as valuable as the structured conference sessions. ACI strives to make both the formal and informal aspects of your conference as productive as possible.

INTERACTIVE WORKSHOPS

WEDNESDAY SEPTEMBER 24, 2008



9:00 a.m. – 12:30 p.m.

A

Preparing for a Focused Assessment: The Complete Guide to Help You Get Through an FA

Beth Glynn-Ross
Import Compliance Specialist
Del Monte Corporation (San Francisco, CA)

Richard M. Wortman
Partner
Grunfeld, Desiderio, Lebowitz,
Silverman & Klestadt LLP (Los Angeles, LA)

The focused assessment process continues to evolve as audits become more sophisticated and cover new areas that were not the traditional compliance areas overseen by Customs. These new areas that include such issues as other agency reviews (e.g., CPSC, FDA, FCC, FAA, etc.), intellectual property, coupled with the number of audits performed by Customs each year, have importers constantly on guard. Moreover, keeping up with Customs' ever evolving audit program, new areas for review and methodology proves a daunting task for company compliance officials.

This interactive and practical workshop will guide participants through a Customs audit and will provide a step by step commentary on each of the phases. Participants will leave with answers to the following questions:

- What to do when you receive the FA notice
- When to hire an attorney or a consultant and their role
- The amount of time and resources the FA consumes
- Responding to the FA questionnaire
- Coordination and preparation before the auditors arrive
- How to prepare company officials for the interviews with CBP officials
- Handling customs requests during the audit: explanation of the systems and availability of personnel and data
- Post audit communications and correspondence with CBP
- How to conduct a compliance improvement plan

1:30 p.m. – 4:30 p.m.

B

Fundamentals of FDA Compliance: What You Need to Know When Importing Food, Drugs and Devices

Jayne P. Bultena
Partner
Foley Hoag LLP (Washington, DC)

All companies importing products that may be governed by FDA law must have a clear understanding of how the FDA operates and regulates products. Lacking the information you need to comply with the FDA can make importing FDA-regulated products into the United States confusing, complex and costly.

This highly interactive and practical workshop will provide attendees with a comprehensive overview of the FDA and what it takes to successfully import food, drugs and devices into the United States. You will learn:

- How the FDA is organized
- The three major centers and their roles: CDER (Drug); CBER (Biologic); CDRH (Device)
- How the FDA exercises its jurisdiction
 - Rule making
 - Product decisions
 - Enforcement
 - Informal mechanisms
- Definitions of food, drugs, devices and combination products
- The entry process
 - Pre-arrival/right to make entry
 - Entry paperwork
 - Arrival
 - Clearance
 - Post entry control, delivery and audit
- Labeling: key regulatory requirements, information, and contents
 - Review process for labeling
 - When should the labeling be amended post-market?
- Reviewing the laws that the FDA enforces
- Navigating agency requirements and how the FDA and USDA regulate requirements
- Red flags that can trigger an FDA investigation

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Fundamentals of FDA Compliance: What You Need to Know When Importing Food, Drugs and Devices

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