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2nd Advanced Forum on

IMPORT COMPLIANCE

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Enforcement Update: What Makes a Good Penalty Case

Robert Allen
Field Director
Regulatory Audit
Division, Long Beach
Field Office, CBP

Charles D. Ressin
Chief
Penalties Branch,
Office of Regulations
and Rulings, CBP

Marcy M. Forman
Director,
Office of
Investigations, ICE

Get critical information from senior industry executives, customs attorneys and government officials, on how to:

- ▶ Get ACE up and running: keys to a successful ACE implementation
- ▶ Survive a Focused Assessment
- ▶ Prepare for the C-TPAT validation process, in the US and overseas
- ▶ Implement effective internal import controls and customs SOPs
- ▶ Automate the customs process and integrate CBP programs
- ▶ Weigh ISA's cost benefits and identify if your company is ISA ready
- ▶ Maximize FTA benefits and meet FTA documentation requirements
- ▶ Use CBP accepted sampling methods for projections in customs audits
- ▶ Avoid pitfalls when making Chapter 98 claims

Benefit From Exclusive Workshops – March 23, 2006

A Performing An Audit Of Your Company's Import Compliance: A Complete Guide For A Successful Self-Assessment

B Managing Free Trade Agreements

CBP's Report on ACE and C-TPAT

Louis Samenfink
Executive Director
Cargo Systems Program Office

Todd C. Owen
Director
C-TPAT / Industry Partnerships

Media Partner:

Washington Tariff & Trade Letter*

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CBP is stepping up enforcement. Is your company ready?

US importers are under tremendous pressure to comply with fast-changing trade regulations and avoid costly monetary penalties and border delays. Now that **Customs officials have warned importers that the Customs and Border Protection agency plans to increase enforcement initiatives** after its emphasis on anti-terror security measures following 9/11 attacks, companies must focus their attention like never before on the need for rigorous internal controls on the import process as well as internal auditing and systems checks. CBP field offices are conducting more audits, penalties are rising, cases are high profile and yesterday's knowledge simply isn't enough to ensure compliance today!

Where should you focus your resources in the short and long terms to ensure import compliance? Which customs and security programs will be key to your company's continued international trade success? What are other US importers doing to meet these new requirements? What if your company receives an audit questionnaire from CBP? What internal controls does CBP expect importers to implement and document?

Now in its 2nd 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 **23 seasoned corporate customs compliance executives** including Target, Hewlett-Packard, GE, Williams-Sonoma, PepsiCo, IBM, Aventis, Boeing, and Hasbro. Get an update on ISA, ACE and C-TPAT from **top CBP representatives** and learn how the industry is setting

up internal controls to comply with these new programs. This year's agenda will include the latest information on:

- ▶ What "red flags" or common errors could lead to penalty action if an importer fails to act with reasonable care
- ▶ Whether ACE is effective and providing a better alternative to the current environment
- ▶ How to develop a company-wide customs database
- ▶ Tangible new C-TPAT benefits for certified partners and how they differ from validated partner benefits
- ▶ How to handle customs requests during an FA
- ▶ How to develop best in class customs SOPs
- ▶ Key steps to identify if your organization is "ISA ready"
- ▶ Documentary requirements for Chapter 98 HTSUS claims

Participants will also receive a comprehensive set of written materials prepared by the speakers for the conference. These are invaluable reference materials which you will use again and again long after the conference is over.

CBP is stepping up its efforts to ensure that all imported goods enter the United States in compliance with all U.S. rules and regulations. Don't miss this timely and topical event and learn from the experts how to implement a successful import compliance strategy. This must-attend event will fill up quickly, so register now by calling **1-888-224-2480**; by faxing your registration form to **1-877-927-1563**, or by registering online at www.AmericanConference.com.

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 - Customs Administration
 - International Trade
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March 21 & 22, 2006

Hamilton Crowne Plaza, Washington, D.C

Tuesday, March 21, 2006

8:00 **Registration and Coffee** ☒

9:00 **Opening Remarks From Forum Co-Chairs**

Bruce H. Leeds

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

Robert J. Pisani

Partner
Pisani & Roll
(Washington, DC)

9:15 **Automated Commercial Environment (ACE):
CBP's Update on Key Enhancements and
Features for the Trade**

Louis Samenfink

Executive Director, Cargo Systems Program Office
U.S. Customs and Border Protection
U.S. Department of Homeland Security
(Springfield, VA)

- What enhancements are being made to the program, and what do they mean for importers?
- Account management: how is this new approach facilitating faster and more compliant trade?
- Cargo processing and e-release: main benefits for importers and how advance notice timeframes affect importers
- Increased access to data: what type of compliance information and ACE reports will be available?
- Periodic payments: key features and benefits for US companies
- How will CBP transition from current systems to ACE?
- ACE and ABI (Automated Broker Interface): where does ABI fit in ACE? what are the common elements and what is the future of ABI?

9:45 **How to Get ACE Up and Running:
The Corporate Perspective on Successful
ACE Implementations**

Tammy Hetrick

Global Trade Manager
Burton Snowboards
(Burlington, VT)

Don Huber

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

Amy Magnus

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

Alison Reichstein

Manager, Americas Customs, Claims, Security Projects
and Systems
Hewlett-Packard Company
(West Chester, PA)

Barry O'Brien - Panel Moderator

Director of Global Trade and Customs
Hasbro, Inc.
(Pawtucket, RI)

- What are the main benefits of ACE for the importers?
- Is ACE providing a better alternative to the current environment?
- How successful is the monthly payment system proving to be?
- Key steps for successful ACE planning
- What are the main requirements of ACE membership?
- Do you have to be CTPA-T certified in order to join ACE?
- Overcoming the challenges of incorporating ACE into legacy Customs IT systems
- Using ACE for electronic transmission of shipping information

11:00 **Coffee Break** ☒

11:15 **Internal Automation: Keys to Integrating
Customs and IT Systems**

Meredith Covey

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

Jerry L. Storey

Market Access and Customs Compliance Manager
Fonterra (USA) Inc.
(Lemoyne, PA)

- Developing a company-wide customs database
- Preparing to link your IT systems with purchase orders, accounts payable, inventory controls, import adjustments (amend/refunds) and valuation
- Overcoming the challenges of integrating and managing ACE and other CBP programs through web-based applications
- Successfully managing the capture, indexing, retrieval and publishing of content
- Working with customs brokers for electronic processing
- Controlling the flow of information between your trade chain partners to increase compliance and ensure an efficient supply chain



2nd Advanced Forum on IMPORT COMPLIANCE

12:30 Luncheon for Delegates and Speakers



Special Luncheon Address: WCO's Framework for Cargo Security and Customs Procedures – A Status Report

Michael T. Schmitz (invited)

Director, Compliance & Facilitation
World Customs Organization
(Brussels, Belgium)

2:00 **Taking C-TPAT to the Next Level: Tiered Benefits, New Security Criteria and Validation of Certified Partners**

Todd C. Owen

Director, C-TPAT / Industry Partnerships
U.S. Customs and Border Protection
U.S. Department of Homeland Security
(Washington, DC)

- Tangible new C-TPAT benefits for certified partners and how they differ from validated partner benefits
- Report on the new security criteria – is CBP seeing recurrent or common errors in importer security profiles?
- CBP recommendations for successfully completing a C-TPAT validation – including a discussion on the overseas validation process

2:30 **Preparing for the C-TPAT Validation Process at Home and Abroad**

Kenneth D. Konigsmark

C-TPAT Program Manager, The Boeing Company
(Seattle, WA)

- Who conducts the validation?
- How long is the process and can you speed it up?
- Preparing for the review
 - is the scope of the review determined in advance?
 - what to do before the CBP visit
 - readying the required documentation
- What questions CBP asks currently
- What to expect during foreign C-TPAT validations
- Post validation: establishing an effective, ongoing program

3:15 Refreshment Break

3:30 **Surviving a Focused Assessment: Lessons Learned From Recent Audit Survivors**

Carol Fuchs

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

Roger McCrary

Director and Counsel, International Trade and Compliance, Bayer Corporation
(Pittsburg, PA)

- What to do when you receive the FA notice
- When to hire an attorney or consultant and defining their role
- The amount of time and resources the FA consumes
- Responding to the FA questionnaire
- Doing your research – as CBP will certainly have done its research on your company
- Pros and cons of voluntary disclosures
- Coordination and preparation before the auditors arrive
- How to prepare company officials for 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

4:30 **Using FTAs to Maximize Operating, Logistic and Fiscal Efficiencies and to Minimize Duty Costs**

H. Douglas Garfield

Director, Global Customs & Trade
PepsiCo International
(Valhalla, NY)

- The importance of advance planning and doing your diligence: qualifying operations/activities for preference programs
 - understanding rules of qualifying under a particular FTA
 - learning the facts of your particular business operation
- Monitoring (and influencing) negotiations to prepare for new FTAs: being proactive in staking out your interests
- Meeting the challenges of FTA documentation and data requirements
 - internally satisfying the underlying substantive ROOs vs. demonstrating such qualification to the relevant governmental authorities
 - resource requirements (human and systems) for utilizing FTAs
- Understanding the political and/or cultural environment in which you are seeking to operate
 - the impact of such considerations in obtaining FTA benefits
 - the importance of obtaining and maintaining alignment of all other parties (e.g., service providers) involved in the business flow

5:15 Conference Adjourns



March 21 & 22, 2006

Hamilton Crowne Plaza, Washington, D.C

Wednesday, March 22, 2006

8:00 Morning Coffee ☞

9:00 Co-Chairs' Opening Remarks

9:05 **Customs Enforcement Panel: What Makes a Good Penalty Case**

Robert Allen
Field Director, Regulatory Audit Division,
Long Beach Field Office
U.S. Customs and Border Protection
U.S. Department of Homeland Security
(Long Beach, CA)

Steve Coffman
Supervisory Special Agent
Immigration and Customs Enforcement
U.S. Department of Homeland Security
(Houston TX)

Charles D. Ressin
Chief, Penalties Branch
Office of Regulations and Rulings
U.S. Customs and Border Protection
U.S. Department of Homeland Security
(Washington, DC)

Robert J. Pisani – Panel Moderator
Partner
Pisani & Roll
(Washington, DC)

- What “red flags” or common errors could lead to penalty action if an importer fails to act with reasonable care?
- How penalty cases are initiated by Customs – and common mistakes that importers make in petitioning for relief
- Recent court or agency policy decisions affecting criminal and/or civil penalties
- How Customs determines civil penalty amounts and the level of culpability
- The pros and cons of prior disclosure
- How CBP’s security initiatives and mission have affected customs compliance and enforcement initiatives – the impact of C-TPAT

10:30 Coffee Break ☞

10:45 **Internal Controls: Developing Best in Class Import SOPs**

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

Sally Meier
International Trade Compliance Manager, U.S.
International Business Machines
(Boulder, CO)

Paula Swanson
Deputy Director of Customs
Sanofi Pasteur
(Swiftwater, PA)

Diane Thompson Divin
Manager, Global Import/Export Administration
& Logistics
Mary Kay Inc.
(Addison, TX)

Matthew M. Nolan - Panel Moderator
Partner
Miller & Chevalier
(Washington, DC)

- Understanding and gaining control of the import process at your company
- The importance of getting management buy-in
- Key participants in the internal controls process
- Assigning responsibility, authority and accountability
- Establishing an internal controls framework
- Key features of effective internal controls SOPs
- Addressing special remission programs and issues
- Applying internal controls to the process, effective use of systemic controls procedures
- Monitoring controls and auditing needs
 - how to make sure the system is working
 - the importance of being able to document the control process

12:15 **Luncheon for Delegates and Speakers**



Special Luncheon Address: ICE's Role in Commercial Fraud

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



2nd Advanced Forum on IMPORT COMPLIANCE

1:45 Preparing for the ISA Experience: Is Your Company Ready?

Stephen Chace

U.S. Corporate Legal Compliance
Manager, International Trade Compliance & Planning
Aventis Inc., a member of the Sanofi-Aventis Group
(Kansas City, MO)

Aaron M. Gothelf

Customs Attorney, BP America Inc.
(Warrenville, IL)

Mark Schissel

Manager, Global Trade Operations, Target Corporation
(Minneapolis, MN)

Leigh A. Schmid

Vice President, International Trade &
Customs Compliance, Limited Brands, Inc.
(Reynoldsburg, OH)

Bruce H. Leeds – Panel Moderator

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

- What does ISA participation involve?
- What is the industry perspective on ISA program benefits?
 - exemption from comprehensive audits
 - hotline for questions
- Key steps to identify if your organization is “ISA ready”
- ISA cost benefits considerations: is the investment worth it?
- The application process: lessons learned from ISA certified companies
- Getting the corporate buy-in for ISA compliance program
- Meeting ISA’s annual reporting expectations
- Comparing FA and ISA benefits and drawbacks

3:00 Using Sampling Methodologies for Projections in Customs Audits

Tom Jesukiewicz

Assistant Field Director
U.S. Customs and Border Protection
U.S. Department of Homeland Security
(Long Beach, CA)

- Using CBP accepted sampling methods to handle a large universe of entry transactions
- Statistical vs. judgmental sampling
 - understanding the difference
 - which method to use
- Focused assessment sampling methodologies and sampling plans
- Using EZ-Quant to handle entry samples

3:30 Refreshment Break

3:45 Preparing for a NAFTA Origin Verification: What Canadian and Mexican Auditors Are Looking For

Michelle F. Forte, Esq.

Senior International Trade Counsel
Ciba Specialty Chemicals, Corp.
(Tarrytown, NY)

Maureen Pearson

General Manager Customs Operations
Deputy General Counsel, Thomson Inc.
(Indianapolis, IN)

- What to do when you receive the verification notice from foreign customs
- When should you hire an attorney or a consultant, and what should be their role?
- Coordination and preparation before the auditors arrive
- Conducting internal controls review before the auditors arrive
- Handling customs requests during the verification
- To prior disclose or not to prior disclose
- How to prepare company officials for interviews with foreign and US customs officials

4:45 Return of US Goods: How to Document Chapter 98 Claims

David P. Sanders

Partner, Katten Muchin Rosenman
(Washington, DC)

- What types of special claims under Chapter 98 HTSUS are available?
- When should particular Chapter 98 HTSUS provisions be utilized?
- What are the documentary requirements for Chapter 98 HTSUS claims...are they mandatory?
- What are the common pitfalls for importers making Chapter 98 claims?
- Best practices for 9801 claims

5:30 Conference Concludes

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A

9:00 am — 12:30 pm

Performing An Audit Of Your Company's Import Compliance: A Complete Guide For A Successful Self-Assessment

John B. Brew

Partner

Collier Shannon Scott, PLLC
(Washington, DC)

John P. Mulcahy

Director of Internal Audit

FMC Corporation (Philadelphia, PA)

Conducting internal import audits has become increasingly common. Importers use internal audits as an effective tool to avoid and mitigate penalties, improve processes and reduce costs. Every successful import compliance program must include an internal audit function designed to assess objectively and independently all aspects of the program. How do you know that your compliance program is catching potential problems, is operating under "best practices" standards, or complies with Importer Self Assessment (ISA) requirements? Using case studies and examples, the participants in this interactive and practical workshop will learn the tools and strategies they need to successfully prepare for and conduct an import compliance audit, including:

- When is an import compliance audit necessary?
- Does Sarbanes-Oxley require an internal import compliance audit?
- Should internal audits be part of your merger and acquisition due diligence?
- What types of internal audit should be used (internal investigations, process reviews, detailed compliance reviews, monitoring)?
- How often should an audit occur?
- Who should conduct the audit?
- How to effectively use outside counsel during a compliance audit
- What personnel should you interview?
- What kinds of documentation should you review during the audit?
- Effective internal audit methodologies: targeting high risk and duty savings areas
- What are acceptable sampling and testing methodologies?
- Wrapping up the audit. When enough is enough and drafting the report
- How to use your audit results effectively
- Working with management: implementing process improvements and duty savings opportunities
- How to effectively address compliance shortcomings
- Ripped from the headlines: where other compliance systems have gone wrong
- To disclose or not to disclose. The benefits and disadvantages of prior disclosure

B

1:30 pm — 5:00 pm

Managing Free Trade Agreements

Melvin Schwechter

Partner

LeBoeuf, Lamb, Greene & MacRae, LLP
(Washington, DC)

The increasing numbers of free trade agreements being negotiated and concluded by the United States present substantial duty savings opportunities, but require companies to take the necessary steps to insure that only qualifying goods benefit from the tariff preferences. These steps often require the active involvement of many different functional units within a company, including Customs Compliance, Accounting, Finance, Shipping, Purchasing and Sales. This interactive workshop will review the existing and upcoming free trade agreements negotiated by the United States, review the special characteristics of each of them, including the different rules of origin, and provide practical approaches for company officials to take advantage of these agreements, while protecting the company from legal liability. Some of the specific topics to be discussed include:

- The integration of free trade compliance into a company's general import compliance process
- How to prepare, and support, the issuance of certificates of origin
- How to apply the rules of origin
- What to do when you discover you have made a mistake in issuing a certificate of origin, or certifying an import for free trade agreement benefits
- What do you do when your supplier informs you that the certification he/she provided to you was inaccurate?
- Which company official should be responsible for handling the certification process?
- What if you don't know if the imported goods qualify for benefits at the time of entry?
- How to try to influence the free trade agreement negotiation process
- How to perform local content calculations
- Requesting and reviewing certifications of origin from suppliers
- Dispute resolution under free trade agreements

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Benjamin Greenzweig,

Director of Business Development, US

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2nd Advanced Forum on

IMPORT COMPLIANCE

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