



American Conference Institute's 5th Advanced Forum on

IMPORT COMPLIANCE & ENFORCEMENT

October 26 & 27, 2009 – The Latham Hotel – Washington, DC

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Enforcement and Regulatory Update



Marcy M. Forman
Director, Office of Investigations
Immigration and Customs Enforcement



Cheryl A. Falvey
General Counsel
U.S. Consumer Product Safety
Commission



Daniel Baldwin
Assistant Commissioner
Office of International Trade



Brian Barulich
Senior Attorney
Office of Regulations and Rulings



Cindy A. Covell
Executive Director, Regulatory Audit
Office of International Trade



Carrie Reyes
Assistant Field Director
Office of International Trade



Cathy Saucedo
Director, Import Safety and Interagency
Requirements, Customs and Border
Protection

Get the latest information on how to:

- Prepare for focused assessments and single issue audits
- Manage the customs compliance function in an era of reduced resources
- Improve valuation and classification process to minimize duty
- Increase special import program benefits, including FTAs, Duty Drawback, Chapter 98 Provisions and GSP
- Optimize 10+2 report card score
- Integrate new product safety requirements into your existing import compliance program

Keynote Speaker:



*Jayson P. Ahern**
Acting Commissioner
U.S. Customs and Border Protection
U.S. Department of Homeland Security

Supporting Associations:



Exclusive Workshops – October 28, 2009

- A** Maximizing Foreign Trade Zone Benefits
- B** Obtaining Authorized Economic Operator Status



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Learn what it takes to prevent penalties, minimize duty liabilities and enhance your company's customs compliance function in an era of sweeping regulatory changes and scarce corporate resources.

Who You Will Meet

- ✓ Director and Managers of
 - Import Compliance
 - Customs Compliance
 - Customs Administration/Operations
 - International Trade Compliance
 - Import/Export Compliance
 - Global Trade Policy
 - Worldwide Import/Export
- ✓ Corporate Counsel
 - International Trade Counsel
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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.

New regulatory requirements combined with fewer compliance resources are challenging even the most seasoned trade compliance professionals. Now more than ever, US importers are under tremendous pressure to meet fast changing trade regulations and avoid costly border delays and monetary penalties.

With the implementation of new anti-terror initiatives such as 10+2, higher imported product safety standards, *Lacey Act* requirements and other regulatory import initiatives currently underway, companies must focus their attention like never before on the need for robust internal customs controls and internal auditing to detect potential violations. The impact of a single customs penalty or border delay in today's environment is simply too detrimental to a company's bottom line. Penalties are rising, internal resources are scarce and CBP enforcement priorities are evolving. Importers operating in this challenging environment must maintain and monitor a robust compliance function, minimize duties and stay current on how new legal requirements impact their import operations.

Now in its 5th 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 and monitor a successful import compliance program. Benefit from the practical perspective of senior corporate customs compliance executives from companies including **Abbott, Covidien, Hasbro, Hitachi, General Electric, Nestle, Pfizer, Tyco International, and Williams-Sonoma**. Get an update on new regulatory requirements and learn how to minimize duties and maintain a state-of-the-art customs compliance program under fewer compliance dollars. Plus, hear from senior CBP representatives on enforcement priorities. This year's revised agenda will include the latest information on:

- Integrating C-TPAT and AEO into an effective worldwide security program
- Meeting *Lacey Act* expanding requirements to minimize enforcement risks
- ACE: how to obtain and use data effectively
- When to file a prior disclosure and how CBP evaluates them
- Cutting costs while meeting new CBP requirements
- Maximizing duty saving opportunities with valuation and classification
- Automating the customs process

Don't miss this opportunity to benchmark your import compliance procedures and benefit from best practices 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.

Monday, October 26, 2009

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

Pisani & Roll LLP (Washington, DC)

8:45 **Keynote Address**

*Jayson P. Ahern**

Acting Commissioner
U.S. Customs and Border Protection
U.S. Department of Homeland Security (Washington, DC)

9:15 **Customs Enforcement Priorities
and Regulatory Outlook**

Marcy M. Forman

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

Daniel Baldwin

Assistant Commissioner
Office of International Trade
U.S. Customs and Border Protection
U.S. Department of Homeland Security (Washington, DC)

- Enforcement priorities and objectives for 2010 and beyond: allocation of resources, areas of focus and level of auditing
- Products under increased scrutiny and what CBP perceives as problem areas
- What triggers an ICE investigation
- How potential violations are investigated by ICE: enforcement tools and procedures
- Current enforcement of special duty programs, including NAFTA, GSP, FTAs, and American Goods Returned

10:15 **Coffee Break**

10:30 **Penalties and Liquidated Damages: What Makes
a Good Penalty Case**

Brian Barulich

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

- What "red flags" or common errors could lead to penalty action if a company fails to act with reasonable care
- How penalty cases are initiated by Customs and common mistakes that companies make in petitioning for relief
- How CBP determines civil penalty amounts and the asserted level of culpability
- How settlement or "offer in compromise" procedures work

11:00 **Single Issue Audits and Focused Assessments:
How Audit Programs are Evolving and What You
Need to Know to Prepare**

Cindy A. Covell

Executive Director, Regulatory Audit
Office of International Trade
U.S. Customs and Border Protection
U.S. Department of Homeland Security (Washington, DC)

Carrie Reyes

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

Carol Fuchs

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

Matthew M. Nolan

Arent Fox LLP (Washington, DC)

- How regionalization of audits is affecting the FA process
- What triggers a focused assessment or single issue audit
- Types of in-depth reviews conducted by Customs in a SIA or FA
- How SIAs work and compare to FAs
- What to do when you receive the FA notice
- When to hire an attorney or consultant and their role
- Responding to the FA questionnaire
- Coordination and preparation before the auditors arrive
- How to prepare for your first meeting with customs
- Interacting with audit agents: responding to requests for information during the audit and prepping company personnel
- Post audit communications and what to do if you are subject to a re-audit

12:15 **Networking Luncheon for Attendees and Speakers**

1:30 **Managing the Customs Compliance Function
in an Era of Reduced Resources**

Randi Waltuck

Director of Trade Compliance
ATC Technology Corporation (Fort Worth, TX)

Allison Hughes

Trade Compliance Advisor
Hitachi High Technologies America, Inc. (Schaumburg, IL)

Susan S. Shin

Attorney - International
United States Steel Corporation (Pittsburgh, PA)

- Cutting costs while meeting new CBP requirements: what is achievable
- How trade compliance professionals can make the case for compliance within their organization: securing support from management and operations
- Turning your compliance department into a profit center

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- Identifying new legal requirements, their impact on operations and allocating resources accordingly
- Designing the optimal import department structure
- How to train and communicate compliance requirements under shifting priorities and budgetary constraints
 - What resources are companies expected to devote to customs training
 - Frequency and scope of training
- Automating the customs process
 - Selecting functions to be automated
 - Managing the capture, indexing, retrieval and publishing of content

2:30 **Minimizing Duty Liabilities with Special Import Programs: How to Benefit from Duty Drawback, Chapter 98 Provisions and GSP**

Michael L. Utchell
 Director, Customs & Logistics
 DRS Technologies (Arlington, VA)

David P. Sanders
 Williams Mullen (Washington, DC)

- Drawback decision making: what you need to know to optimize program benefits
 - Types of drawback: manufacturing, unused merchandise and rejected merchandise
 - Compliance and recordkeeping
 - Rulings and contracts
 - Utilizing a “Drawback” broker
- Chapter 98 duty-free treatment: eligibility and documentation requirements
 - What types of special claims under Chapter 98 HTSUS are available
 - When particular Chapter 98 HTSUS provisions should be utilized
 - When Chapter 98 should be avoided
- Generalized System of Preferences (GSP): benefits and requirements
 - Documentation and direct shipment
 - Anticipated reform and how to protect your products

3:30 **Afternoon Refreshments**

3:45 **Making the 10+2 Grade: How to Optimize Report Card Score and Ensure Compliance**

Barry O'Brien
 Director of Global Trade and Customs
 Hasbro, Inc (East Providence, RI)

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

- Locating, organizing and obtaining the required information on a timely basis: mapping out an effective and efficient 10+2 strategy

- Preventing shipment delays and no load messages
- Ensuring accuracy of data elements to avoid penalties for non-compliance
- Mitigating fines after January 2010: successfully implementing ISF reporting
- How your report card score will be determined and what it will mean
- To what extent “good” report card score will mitigate penalties should an error occur
- Update on penalty mitigation guidelines

4:30 **Dealing with Import Agencies: Best Practices to Ensure Efficient Entry Process and Respond to Inspections or Investigations**

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

Brian White
 Senior Manager for Global Trade Compliance
 Del Monte Corporation (San Francisco, CA)

Lars-Erik A. Hjelm
 Akin Gump Strauss Hauer Feld LLP (Washington, DC)

- What channels are most effective when dealing with CBP, FDA, CPSC and USDA
- Accessing information while meeting compliance expectations: what resources are available and how importers should approach each agency
- How the agencies are organized and are coping with limited resources
- Integration of personnel at the agencies and how to communicate and build credibility with new officers
- What import agencies expect from the trade community during the course of an investigation

5:30 **Conference Adjourns**



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- Earn Forum points towards free conferences & workshops

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Tuesday, October 27, 2009

8:00 **Registration and Coffee**

8:30 **Co-Chairs' Opening Remarks**

8:35 **Imported Product Safety: Developing Customized Controls to Meet Higher Safety Standards**

Cathy Saucedo

Director, Import Safety and Interagency Requirements
Customs and Border Protection
U.S. Department of Homeland Security (Washington, DC)

Cheryl A. Falvey

General Counsel
U.S. Consumer Product Safety Commission
(Washington, DC)

Henry Morita

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

Anthony Barone

Director Global Logistics Policy
Pfizer Global Manufacturing (Peapack, NJ)

Jim Walter

Senior Vice President and Chief Regulatory Officer
Global Product Integrity, Mattel (El Segundo, CA)

Barry O'Brien - Moderator

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

- Meeting testing requirements while managing costs
 - What CPSC expects from a "reasonable testing program"
 - Assessing test reports: what information to require of vendors
- Selecting foreign manufacturers and ensuring foreign third party compliance
 - Vetting business partners, agents and suppliers
 - Identifying red flags during the due diligence process
 - Inspecting manufacturing facilities
 - When and how to renegotiate agreements to reflect tightened product safety requirements
- Inspecting goods produced before export or distribution in U.S.
- Identifying and verifying origin of products
- Integrating new product safety rules into your existing compliance program
- Implementing and executing a product safety audit plan
- Training internal units and suppliers on product safety

9:45 **Improving Valuation and Classification Process to Minimize Duty**

Patricia A. Hall

Supplier Manager, General Electric (Ft. Myers, FL)

Susan Leidy

Customs Compliance and Trade Facilitation Manager
QVC (West Chester, PA)

John B. Brew

Crowell & Moring (Washington, DC)

- Identifying duty savings opportunities through review of existing valuation practices
- Duty saving techniques available under the valuation statute
- Taking advantage of the First Sale Rule
- Considerations for related party pricing
- Structuring transactions to minimize additions to transaction value: assists, commissions, royalties and license fees, terms of sale, and post importation operations
- Developing alternative methods of valuation for returns, defective merchandise, inventory movements, zero dollar transactions, and no charge shipments
- Update on recent valuation rulings and court decisions, and what they mean for importers
- How to improve your classification process and when to target products for comprehensive classification review
- Tariff Engineering – coordinating business practice and tariff benefits
- Using special classification provisions and agreements – hidden treasures in the HTS
- Benefiting from the global HS system
- Update on recent classification rulings and decisions

10:45 **Morning Refreshments**

11:00 **FTAs: How to Qualify Imports and Increase Savings Opportunities**

Margaret S. Solinger

Corporate Counsel, DuPont (Wilmington, DE)

Arthur Bodek

Grunfeld Desiderio Lebowitz Silverman & Klestadt LLP
(New York, NY)

- Streamlining the FTA process: assigning responsibility, authority and accountability
- How to maximize benefits of preferential clauses
- Common pitfalls to avoid when taking advantage of FTAs
- Meeting the challenges of FTA documentation control
- Obtaining origin certificates from foreign suppliers
- How to prove FTA origin: the impact of sourcing and qualification
- FTAs and audits under NAFTA
- Responding to a free trade validation

11:45 **Prior Disclosures: How to Know When It's Time to File**

Matt Guarrera

Director Global Trade Compliance
Covidien (Mansfield, MA)

Kenneth G. Weigel

Alston & Bird LLP (Washington, DC)

Robert J. Pisani - Moderator

Pisani & Roll LLP (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?

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- How to determine the scope of your disclosure – how far back should you go
- Deciding whether to submit a disclosure if a CBP formal investigation has begun
- Understanding ISA's unsung benefit: enhanced prior disclosure rights
- What about duties and interest? How and when a tender should be made

12:45 Luncheon for Attendees and Speakers

2:00 Implementing an Internal Review Plan for Import Compliance

Erin L. Crockett
Director, Global Trade Compliance
Dresser Inc. (Addison, TX)

John P. Mulcahy
Director of Internal Audit
FMC Corporation (Philadelphia, PA)

Melvin S. Schwechter
Dewey & LeBoeuf LLP (Washington, DC)

- Key elements of an internal review plan
- Identifying high risk areas and developing an audit plan accordingly
- Performing customs compliance audits
- Developing a questionnaire based on CBP's audit guidelines
- How to review and assess auditing results: quantifying the rate of compliance
- Identifying origin of errors and deciding whether or not to file a disclosure
- Re-auditing areas of substantial non-compliance
- Ongoing monitoring and developing a periodic review plan

3:00 Integrating C-TPAT and AEO into an Effective Worldwide Cargo Security Program

Suzanne J. Hoeger
Director, Global Trade Compliance & Policy
Abbott (Abbot Park, IL)

Debbie Turnbull
Executive Program Manager, Supply Chain Security
Import Compliance Office
IBM Corporation (Raleigh, NC)

Laurent Ruessmann - Moderator
Sidley Austin LLP (Belgium)

- Developing C-TPAT with your expanding supply chain to ensure compliance
- Key differences and similarities between AEO and C-TPAT
- Leveraging existing global processes to facilitate integration of C-TPAT and AEO
- Managing C-TPAT and harmonizing procedures with AEO system
- Mutual recognition of C-TPAT and AEO certificates: latest developments and benefits
- Impact of AEO status on internal trade compliance processes
- Conducting self-assessments to identify C-TPAT and AEO compliance gaps

3:45 Afternoon Refreshments

4:00 ACE: Update on New Processing System, How to Obtain and Use Data Effectively

Aaron Gothelf
International Trade Counsel
Tyco International (Washington, DC)

- What are the main features and benefits of the new processing system?
- How data changes and new functionality of the system will affect your operations
- To what extent will the new system alleviate technical difficulties such as data integrity and incorrect assumptions
- What brokers need to know about the new entry summary
- How to interpret and work with ACE data
- Using ACE for corporate internal review and focused assessment preparation process

4:30 Meeting Lacey Act Expanding Requirements to Minimize Enforcement Risks

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

Stuart P. Seidel
Baker & McKenzie LLP (Washington, DC)

- Reach of the *Lacey Act*: What products are captured by the Act?
- Scope of the exemptions and how to use them
- How *Lacey Act* requirements differ from consumer product safety rules
- Complying with the import declaration requirement
- Filing requirements and deadlines
- Update on the *Lacey Act* Import Declaration phased-in enforcement schedule and penalties for non-compliance
- When will DOJ prosecute?

5:15 Co-Chairs' Closing Remarks and Conference Ends

** denotes invited speaker at time of print*

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Wednesday October 28, 2009: Interactive Workshops

A 9:00 a.m. – 12:30 p.m.

Maximizing FTZ Benefits: What You Need to Know About Foreign Trade Zones to Cut Operational Costs and Increase Duty Savings

Sean F. Lydon
Operations Manager
Matthews International (Pittsburgh, PA)

David R. Ostheimer
Lamb & Lerch (New York, NY)

The U.S. Foreign Trade Zone Program offers importers the opportunity to reduce costs and expedite product movement. Yet many companies overlook the savings associated with FTZs and lack understanding of how to realize the program's benefits. While establishing a new FTZ requires time and resources, the savings accrued in just one year can more than offset operational costs. In order to optimize program benefits, extend cost savings up and down the supply chain and integrate closer with suppliers and customers, importers must master the structure of FTZ use and program procedures to refine their strategies.

This interactive and hands-on workshop will provide you with strategies and insights on:

- How the FTZ program is structured and how benefits are accrued
- Why use an FTZ?
- What are the necessary requirements of FTZ participation?
- How to establish an FTZ – what's involved
- Maneuvering your way through the foreign-trade zone approval process
- Filing FTZ entries: ensuring timely clearances and avoiding penalties or errors
- Identifying required elements of the zone activation process
- Navigating procedures governing the movement of merchandise into, within, and out of the zone
- Reporting requirements related to FTZs
- Activation, automation, record-keeping and periodic reporting
- Conducting audits in an FTZ
- Efficiently operating an FTZ to optimize benefits
- You have established your FTZ – now what can go wrong?
- Taking advantage of FTZs (or their equivalent) on a global level including China, Singapore, Central America and the EU

B 1:30 p.m. – 5:00 p.m.

A Step-by-Step Guide to Obtaining Authorized Economic Operator Status

Mathias Petzold
Customs Counsel, Europe, Middle East, Africa
Delphi Corporation (Troy, MI)

Laurent Ruessmann
Sidley Austin LLP (Belgium)

Authorized Economic Operator certification brings a number of benefits to AEO approved companies, including access to simplified customs procedures and the ability to “fast track” shipments through certain safety and security procedures. The approval process can however be challenging, time consuming and costly. If your company decides to apply for AEO status, you must understand every stage of the application process, determine the most appropriate type of application, and conduct risk reviews to identify internal compliance weaknesses. Failure to adequately prepare can result in the denial of your AEO application.

Speakers at this interactive and practical workshop will guide you through the intricate AEO application process. You will gain practical strategies to successfully and swiftly obtain AEO status. The discussion will cover the following topics:

- Understanding the concept of AEO and how the EU is handling supply chain security
- Deciding whether to enroll your company in the AEO program
- Types of AEO status and benefits they offer
 - AEO Customs Simplifications Certificate
 - AEO Security and Safety Certificate
 - AEO Customs Simplifications/Security and Safety Certificate
- Application form and requirements
- Examining the questionnaire and explanatory notes
- How AEO status affects your international operations
- Identifying AEO status benefits and costs
- Comparing and contrasting AEO status and other similar standards including C-TPAT
- AEO audit considerations
 - How much of the supply chain should you check
 - What to expect from the auditors
- Update on the number of companies that have applied for AEO and received authorization
- New EU Customs Code implications: future considerations of being AEO

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Exclusive Workshops –
October 28, 2009

A Maximizing Foreign Trade
Zone Benefits

9:00 a.m. - 12:30 p.m.

B Obtaining Authorized
Economic Operator Status

1:30 p.m. - 5:00 p.m.

Registration Fee

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