

9th National Forum on

IMPORT COMPLIANCE & ENFORCEMENT



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CBP Speaks on Penalties, COAC, IP Rights, and CT-PAT:

Richard DiNucci
Deputy Assistant Commissioner
of International Trade
U.S. Customs and Border Protection

Alan C. Cohen
Senior Attorney, Penalties Branch
U.S. Customs and Border Protection

Lauren Kaufer
Director, Customs Trade Partnership
Against Terrorism (C-TPAT)
U.S. Customs and Border Protection

Therese Randazzo
Director, IPR Policy and Programs
U.S. Customs and Border Protection

Maria Luisa Boyce
Senior Advisor for Trade
Office of Trade Relations
U.S. Customs and Border Protection

Hear directly from FDA and ATF
on how to comply with import
requirements

Domenic Veneziano
Director of Import Operations
U.S. Food and Drug Administration

Desiree Dickinson
Industry Liaison/Analyst
Firearms and Explosives Imports Branch
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Benchmark and Network with your
in-house peers in import compliance

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UPS Supply Chain Solutions	The Hershey Company
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Take part in the following *interactive* and *case study* sessions:

- ✓ **Live ACE Demonstration** – Participate in a Real Time ACE Navigation Session
- ✓ **Case Study** – How to Classify Parts of Product
- ✓ **Interactive Town Hall – Doing More with Less**: How to Allocate Human, Financial, and Technical Resources to Optimize Your Import Compliance Program


Forum Highlights include:

- An Exclusive **Conversation with COAC Members** on the State of Customs Compliance
- **Brokers Panel** – What Do Brokers *Really* Need from Importers?
- **Preventing Assists Valuation Pitfalls** – Case Studies on How to Effectively Identify and Value Assists
- **Top Five NAFTA Issues** to Tackle in the Next Twelve Months
- **Innovations in Import Compliance Programs** – Third Party Risks, Automation, and Record Keeping
- **FTA Update**: Trans-Pacific Partnership (TTP) and Trans-Atlantic Trade and Investment Partnership (TTIP)
- **Rulings: To Seek or Not to Seek** – When, Why and How You Should Seek a Ruling from CBP
- **IP Protection** – Understanding CBP's Anti-Counterfeiting Efforts at the Border
- Debating the **Investment vs. Benefits of the C-TPAT Program**

Interactive Pre-Forum Working Group Sessions – June 11, 2014:

- A** **A Practical Guide to Valuation Methodologies** – What to Use When Transaction Value Is Not the Appropriate Method
- B** **Import Document Deep Dive** – Navigating Documents Needed to Comply with FDA, CPSC, ATF, and FCC Import Requirements

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Whether You are a Large, Mid-Sized or a Small Importer, You Will Take Away Comprehensive Yet Practical Tools to Build or Fine Tune Your Import Compliance Program

Meeting U.S. customs law requirements can be challenging, time-consuming, and very costly for importers if not done right. Non-compliance with customs laws can result in **civil and criminal penalties, denial of entry, seizure and destruction of goods**. It is imperative for importers to have a solid protocol for applying the critical rules on a day-to-day basis.

American Conference Institute's highly acclaimed **9th National Forum on Import Compliance & Enforcement** is a sophisticated but **practical conference** that will guide you through the challenges of import compliance and how to interact with and respond to U.S. Customs and Border Protection and other government agencies.

Highly complex issues such as **valuation, assists, classifying parts of product, and FTAs** continue to challenge even the most seasoned import compliance professionals. At the same time, *Centers of Excellence, C-TPAT, and recent CBP penalty trends* will surely impact importers' compliance programs going forward. This unique event is designed to provide attendees with a comprehensive benchmarking experience, where participants can exchange best practices and lessons learned to put into practice now.

Unlike other training events, a diverse faculty of CBP, FDA, ATF, leading importers and private practice experts will provide you with tools to use in your day-to-day work, along with the opportunity to network and benchmark with your peers.

The agenda will cover the most critical compliance issues impacting your import operations. The program has been uniquely designed to delve into your most pressing compliance issues through practical insights, case studies, Q&A and hands-on exercises. Key sessions also include:

- **First Sale Rule** – Dissecting the Changing Standards of the Proposed/Revised Informed Compliance Publication
- **Applying Free Trade Agreements properly**: How to benefit from duty free programs
- **Government's Perspective** – Where Importers Go Wrong and What Stops Goods at the Border
- **Conversation with COAC Members** on The State of Customs Compliance
- Navigating the HTS – **How to Classify Parts of Product**
- Reconciling the Relationship Between the **Ports of Entry and the CEEs**
- **Brokers Panel** – What Do Brokers Really Need from Importers?
- **Food Imports** – Deciphering FSMA's Foreign Supplier Verification and Voluntary Qualified Importer Programs and What it Means for Your Business

A Comprehensive Forum Designed for:

VPs, Directors, and Managers of:

- Import/Trade Compliance
- Customs Compliance
- Customs Administration and Operations
- International Trade Compliance
- Import/Export Compliance
- Global Trade Policy
- Worldwide Import/Export
- Supply Chain Security
- Import/Export Logistics
- Compliance Auditing

Corporate Counsel

- International Trade Counsel
- Customs, Trade and Regulatory Counsel
- General Counsel

Freight Forwarders and Customs Brokers

- Managers, Brokerage Services
- In-house Counsel

Private Practice Attorneys specializing in:

- Import and Customs compliance and enforcement
- International trade

Maximize your learning by participating in practical, hands-on Working Groups:

A **A Practical Guide to Valuation Methodologies** – What to Use When Transaction Value Is Not the Appropriate Method

B **Import Document Deep Dive** – Navigating Documents Needed to Comply with FDA, CPSC, ATF, and FCC Import Requirements

Don't miss this opportunity to hear directly from CBP, ATF and FDA officials and benefit from best practices from industry leaders. Register now by calling, call 1-888-224-2480 or save your seat online at www.AmericanConference.com/Import.

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9:00 am – 12:30 pm (Registration begins at 8:30 am)

1:30 pm – 5:00 pm (Registration begins at 1:00 pm)

A

A Practical Guide to Valuation Methodologies – What to Use When Transaction Value Is Not the Appropriate Method

Lars-Erik A. Hjelm

Partner

Akin Gump Strauss Hauer & Feld LLP

(Washington, DC)

Using the proper valuation methodologies continues to present challenges for even most seasoned import professionals. This deep-dive working group will give you the opportunity to ask respected industry experts your nuanced questions about valuation methodologies, and how they should be applied in practice. The session has been specifically designed to facilitate enhanced interaction and practical real-life valuation scenarios. Topics will include:

- Making sense of the other five valuation methodologies and when they should be applied
 - transaction value of identical merchandise
 - transaction value of similar merchandise
 - deductive value, computed value, derivative method
- Understanding assists, royalties and other additions as part of the dutiable value
- Identifying the different types of deductions and how deductions are determined
 - What you need to prove eligibility for a deduction
- Valuation checklist: Regulations, process, methodologies, forms
- Review of sample invoices: How to identify and correct mistakes before it's too late

B

Import Document Deep Dive – Navigating Documents Needed to Comply with FDA, CPSC, ATF, and FCC Import Requirements

Brooke Horiuchi

International Law Group, Office of General Counsel

ATK (Washington, DC)

Vittoria Crea

Trade Compliance Manager

DIAGEO NA (Norwalk, CT)

John Brew

Partner

Crowell & Moring LLP (Washington, DC)

U.S. Customs and Border Protection (CBP) is responsible for enforcing the laws of over 40 government agencies. Many of these agencies have their own import filing requirements. Recently, CBP has made enforcement of other agency laws a top trade enforcement priority, and an interagency group (Border Interagency Executive Council) has been established to increase communication between different agencies. This comprehensive and practical working session will provide you with guidance how to navigate the many rules, processes, and documents needed to be compliant with other government agencies' regulations that are critical to getting your goods into the country.

- U.S. Customs and Border Protection (CBP)
- U.S. Food and Drug Administration (FDA)
- Consumer Product Safety Commission (CPSC)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Department of Commerce ADD/CVD
- Environmental Protection Agency (EPA)
- Department of Transportation
- Federal Communications Commission (FCC)

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

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

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

Continuing Professional Education Credits



American Conference Institute (ACI) will apply for Continuing Professional Education credits for all conference attendees who request credit. There are no pre-requisites and advance preparation is not required to attend this conference.

Course objective: Update on the U.S. import regulations and procedures on how to comply with U.S. Customs and Border Protection requirements, and procedures to prevent inappropriate payments. Recommended CPE Credit: 15.0 hours. An additional 4.0 credit hours will apply to participation in each workshop.

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8:30 **Opening Remarks from the Conference Co-Chairs**

Jill Franze
 Director Global Customs
Cisco Systems, Inc. (San Francisco, CA)

Robert J. Pisani
 Partner
Pisani & Roll LLP (Washington, DC)

8:45 **Agency Roundtable: CBP, FDA, and ATF – Navigating the Convergence of Compliance**

Senior Representative
U.S. Customs and Border Protection (Washington, DC)

Domenic Veneziano
 Director of Import Operations
U.S. Food and Drug Administration (Washington, DC)

Desiree Dickinson
 Industry Liaison/Analyst
 Firearms and Explosives Imports Branch
Bureau of Alcohol, Tobacco, Firearms and Explosives
 (Washington, DC)

Peter Quinter – Panel Moderator
 Shareholder
Gray-Robinson, P.A. (Miami, FL)

This session was specifically designed for what you have asked: how do I comply with CBP requirements *plus the other relevant agencies*? Hear directly from the agencies on how CBP enforcement and other agency requirements are converging and what it means for your day-to-day operations.

- How do you know when there are “other Federal agency requirements” applicable to your imported product?
- Who do you contact at each Federal agency to know which regulations apply to your imported product?
- What happens when your cargo clears U.S. Customs, but violated another Federal agency requirement?

9:45 **Preventing Assists Valuation Pitfalls – Case Studies on How to Effectively Identify and Value Assists**

Jodi Leafer
 Manager, Customs & Trade Compliance
Johnson & Johnson (Jacksonville, FL)

Jada Fox
 Manager, Global Trade Controls
The Boeing Company (St. Louis, MO)

Elizabeth Hein
 Partner
Alston & Bird LLP (Washington, DC)

- Defining and finding assists – building your roadmap
- Understanding the types of import transactions that require special scrutiny to identify “hidden” assists
- Outlining the finer points of assists: tracking, valuation, depreciation and apportionment
- Ensuring that assists are properly declared, including coordination with related and third parties
- Reviewing internal policies and procedures, and modifying your program accordingly
- What triggers penalty proceedings for failure to declare assists and how fines are calculated?

10:30 **Networking Coffee Break**

10:45 **First Sale Rule – Dissecting the Changing Standards of the Proposed/Revised Informed Compliance Publication**

Richard DiNucci
 Deputy Assistant Commissioner of International Trade
U.S. Customs and Border Protection (Washington, DC)

Richard Wortman
 Partner
Grunfeld Desiderio Lebowitz (Los Angeles, CA)

- Understanding the history of first sale transactions
- What CBP traditionally looked for in an audit of first sale transactions
- Dissecting the changes to the Informed Compliance Publication (ICP)
- Do importers have access to their vendors’ books and records?
- What is the viability of a first sale program with a vendor who won’t share their accounting records?

11:30 **Keynote Address: CBP Perspective on Where Importers Go Wrong and What Creates Delays and Inspections at the Border**

Alan C. Cohen
 Senior Attorney, Penalties Branch
U.S. Customs and Border Protection (Washington, DC)

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

1:30 **An Exclusive Conversation with COAC Members on the State of Customs Compliance**

Maria Luisa Boyce
 Senior Advisor for Trade, Office of Trade Relations
U.S. Customs and Border Protection (Washington, DC)

Mary Ann Comstock
Northern Border Compliance Manager
[UPS Supply Chain Solutions](#) (Great Falls, MT)

This *new* session gives you access to members of the Advisory Committee on Commercial Operations of Customs and Border Protection (COAC). Hear directly from these importers on their perception of the state of customs compliance including the Trusted Trader Program, Focused Assessments, Trade Modernization via ACE and the One Government at Border efforts. Come prepared to ask questions!

2:15 Top Five **NAFTA** Issues to Tackle in the Next Twelve Months

Richard Belanger
Partner
[Sidley Austin LLP](#) (Washington, DC)

- The most common mistakes importers make when using NAFTA, and how to avoid them
- Using regional value content formulas correctly
- Making sense of the rule for de *minimis* and how to qualify
- Understanding when to use the tariff shift rule
- How to use the certificate of origin correctly
- Exporter's responsibility to complete certificate of origin "accurately and legibly"
- Importer's responsibility to have the certificate of origin in hand before claiming NAFTA tariff preference at customs

3:00 Networking Refreshment Break

3:15 **Innovations in Import Compliance Programs – How Leading Companies are Managing Third Party Risks, Automation, and Record Keeping**

Kartapurkh S. Khalsa
Import Compliance Attorney
[National Oilwell Varco](#) (Houston, TX)

Lauren Miller
Compliance Lead
[S. C. Johnson & Son, Inc.](#) (Milwaukee, WI)

Brian Cochran
Director International Trade Compliance
[Tyco Electronics Corporation](#) (San Francisco, CA)

As customs duty programs and enforcement initiatives evolving both in the US and abroad, so must your internal compliance program. To better respond to heightened enforcement risks, importers are continuously innovating to improve compliance and strengthen their risk assessment. This exclusive panel will present some of the innovations that are the highlight of 2014.

4:15 **FTA Update: How to Benefit from Trans-Pacific Partnership (TTP) and Trans-Atlantic Trade and Investment Partnership (TTIP)**

Chandri Navarro
Partner
[Hogan Lovells LLP](#) (Washington, DC)

The United States now has 20 free trade agreements or special duty programs in force, each with its own unique rules of origin. Importers that wish to take advantage of these duty free programs need to understand the rules, requirements, and risks. This session will take through the specifics of the pending Trans-Pacific Partnership (TTP) and Trans-Atlantic Trade and Investment Partnership (TTIP), how importers can benefit from these programs, and what to expect as far as timing of these FTAs.

5:00 Conference Adjourns to Day Two

FRIDAY, JUNE 13, 2014 – DAY TWO

8:30 Opening Remarks from the Co-Chairs

8:35 **Live ACE Demonstration – How to Navigate this Portal Critical to Your Business**

Monica Crockett
Program Manager
[U.S. Customs and Border Protection](#) (Washington, DC)

Jennifer Rodgers
Manager – Customs Compliance – International
[United States Steel Corporation](#) (Pittsburgh, PA)

Don't miss this unique opportunity to participate in a live demonstration of the ACE portal, hear about new ACE developments, and upcoming plans for further implementation. Prepare for the ACE rollout by asking your questions to CBP and ACE participants about their experiences, and gain best practices that you can apply to your daily work. Topics will include:

- ACE portal and how it is the backbone of simplified entry
- Practical tips on how to navigate the portal
- Using Importer reports
 - liquidation reports
 - individual customs reports
 - entry summary and other reports
- Key challenges encountered when implementing ACE, and how to resolve them

9:45 **Rulings – To Seek or Not to Seek: When, Why and How You Should Seek a Ruling from CBP**

Robert J. Pisani
Partner
[Pisani & Roll LLP](#) (Washington, DC)

Richard Abbey
Senior Counsel
Miller & Chevalier Chartered (Washington, DC)

- Do the Customs laws and regulations require that importers submit ruling requests?
- What are the benefits of a binding ruling?
- Discussing the downside to obtaining a binding ruling
- Outlining alternatives to binding ruling requests
- How should an importer handle CBP field officer requests that the importer obtain a ruling?

10:30 Networking Coffee Break

10:45 **A Practical Debate on the Investment vs. Benefits of the C-TPAT Program**

Lauren Kaufer
Director, Customs Trade Partnership
Against Terrorism (C-TPAT)
U.S. Customs and Border Protection (Washington, DC)

Jill Franze
Director Global Customs
Cisco Systems, Inc. (San Francisco, CA)

Robert Byrne
Executive Program Manager
Import Compliance and Supply Chain Security
IBM Corporation (Somers, NY)

Patricia Hall
Senior Manager – Customs
General Electric (Fort Myers, FL)

- How a prospective C-TPAT participant can evaluate the reduced examination benefit
- Mutual Recognition benefits explained
- C-TPAT and exports: Status update
- The hidden C-TPAT benefits of completing your Supply Chain profile
- Interplay of OGA requirements and C-TPAT (e.g., Agriculture inspections affected?)

11:45 **Classification Case Study – How to Classify Parts of Product**

Randi Keenan
Import Manager
The Safariland Group (Jacksonville, FL)

Kenneth Weigel
Partner
Alston & Bird (Washington, DC)

In this classification session, you will focus on a *real-life case study* on how to use the Harmonized Tariff Schedule to properly classify “parts of a product.” Expert panelists will lead an interactive discussion on how to correctly classify these items, making sure to highlight where importers commonly make mistakes – so you can avoid them. Topics will include:

- Discussing common practices vs. HTS guidance on parts classification
- Understanding blind classification
- Defining General Rule of Interpretation 1– Articles provided for
 - US additional interpretation 1C
- Is the item classified as part of an article, or article itself?
- When does a material become a part of something else?
- What is the difference between parts and accessories?
- Is it a part of an article in incomplete article?
- Highlighting the importance of the Notes classifying parts.

12:30 Networking Luncheon for Speakers & Attendees

1:45 **Reconciling the Relationship Between the Ports of Entry and the CEEs**

Senior Representative
U.S. Customs and Border Protection (Washington, DC)

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

Matthew Nolan
Partner
Arent Fox (Washington, DC)

- Understanding how the Ports and CEEs work together
- Dissecting the division of roles and responsibilities of each
- How importers should interact with Ports vs. the CEEs
- What to do when you receive duplicative requests from the Port and CEE
- Who trumps when you get conflicting direction from the Port and the CEE?

2:30 **Brokers Panel – What They Really Need from Importers and How to Ensure a Successful Relationship**

Amy Magnus
Director Customs Affairs and Compliance
A.N. Deringer, Inc. (Champlain, NY)

Mark Shacklette
Director, Customs Brokerage Compliance
UPS Supply Chain Solutions (Louisville, KY)

Erin Crockett – Panel Moderator
Director of Global Trade Compliance
Colfax Corporation (Frisco, TX)

Have you ever wondered what brokers think about where their clients go wrong on compliance, their interaction with customs authorities, and how they feel the overall relationship can be improved? Well this one-of-a-kind session give you the opportunity to hear directly from the brokers on these and other important topics.

- *Communication* – Knowing how importers can communicate compliance expectations and requirements to brokers
- *Site Visits* – Helping the broker to understand better the importer's company, operations, and products
- *Guidelines/ SOPs* – Developing guidelines and Standard Operating Procedures together
- *Useful Tools* – Using even basic tools to improve the broker – importer relationship
- *Monitoring and Auditing* – Measuring and monitoring, including conducting periodic reviews and what to do if you discover non-compliance
- *Boundaries* – Understanding where the importer and broker responsibilities begin and end
- *Understanding* – Valuing your broker as a key resource
- *Collaboration* – Working together to implement global and local policies and procedures

3:15 Networking Refreshment Break

3:30 **Food Imports – Deciphering FSMA's Foreign Supplier Verification and Voluntary Qualified Importer Programs and What it Means for Your Business**

Erika Faulkenberry
Senior Manager Global Customs and Trade Compliance
The Hershey Company (Hershey, PA)

Sarah Roller
Partner & Chair, Food & Drug Law Practice
Kelley Drye & Warren LLP (Washington, DC)

- Overview of the pre-FSMA provisions of the Federal Food Drug & Cosmetic Act governing food imports and how FSMA is changing the legal landscape for domestic companies that rely on foreign suppliers for food and food ingredient imports
- Overview of framework and key issues for domestic companies
 - *Foreign Supplier Verification Program*
 - *Voluntary Qualified Importer Program*
- Other key FSMA provisions affecting domestic companies with foreign suppliers
- Enforcement considerations – Import alerts, suspension of registration

4:15 **IP Protection – How to Prepare for Increased CBP's Anti-Counterfeiting Efforts at the Border**

Therese Randazzo
Director, IPR Policy and Programs
U.S. Customs and Border Protection (Washington, D.C.)

Robert Bowen
Associate General Counsel,
Government and Regulatory Affairs
Western Digital Corporation (Irvine, CA)

Timothy Trainer
Principal
Global Intellectual Property Strategy Center
(Washington, D.C.)

- Understanding IP Enforcement: registration v. recordation
- Discussing IPR enforcement as it relates to imports, exports and goods in-transit:
- IPR Owners - Increasing CBP's Efforts to protect your IP rights
- Training and Education about your intellectual property rights
- Designating and maintaining contact information
- Intra-corporate information exchange and Sharing with CBP
 - Examining IPR enforcement trends abroad
 - Identification of manufacturers/exporters

5:00 **Interactive Town Hall: Doing More with Less – How to Allocate Human, Financial, and Technical Resources to Optimize Your Import Compliance Program**

In this interactive “town hall” format, you will have the opportunity to benchmark with your peers in the audience. The forum co-chairs will solicit your ideas and opinions on the following thought-provoking topics:

- Risk-based factors used to allocate resources to your import compliance program
- Making decisions on the priority of import compliance initiatives
- How to report metrics to senior management to justify the company's import compliance investment
- Sharing *best-in-class* import compliance programs – approaches to resource allocation

5:30 Conference Ends

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