

American Conference Institute's 6<sup>th</sup> Advanced Forum on

# IMPORT COMPLIANCE & ENFORCEMENT

Integrating Trade Compliance, Cargo Security and Audit Requirements into a Robust Global Program

May 17-18, 2011 • Hilton Washington Embassy Row • Washington, DC

## KEYNOTE ADDRESS



Alan Bersin \*  
Commissioner  
U.S. Customs and Border Protection

## Hear from Senior CBP and ICE Officials

Cindy Covell  
Executive Director, Regulatory Audit  
Office of International Trade  
U.S. Customs and Border Protection

Sarah Baerwald  
HSI Unit Chief, Programs Unit  
National Intellectual Property Rights  
Coordination Center  
U.S. Immigration and Customs Enforcement

Brian Barulich  
Senior Attorney, Penalties Branch  
Office of Regulations and Rulings  
U.S. Customs and Border Protection

Florence Constant  
Chief, Partnership Programs Branch  
U.S. Customs and Border Protection

## Benchmark with

Northrop Grumman  
S.C. Johnson & Son  
Hershey  
Williams-Sonoma  
IBM  
Nordstrom  
GE Aviation  
Dell  
Robert Bosch  
Covidien  
ADVA Optical

Del Monte  
Globe Electric  
Momentive  
Pall Corporation  
Ford  
Sanofi Pasteur  
DRS Technologies  
Cisco  
Honeywell  
Abbott

Agencies speak on inter-agency communication, information sharing and initiatives to streamline import procedures

Valarie M. Neuhart  
Director, Import Safety and  
Interagency Requirements  
U.S. Customs and Border Protection

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

Jeremy Baskin  
Office of the General Counsel  
U.S. Consumer Product Safety  
Commission

Mary H. Stanley  
International Policy Division  
Food Safety and Inspection Service  
U.S. Department of Agriculture

Benefit from an updated and advanced 2011 agenda, and get the latest insights on:

- Responding to increasingly complex focused assessments and to auditors requests while protecting your company's interests
- What to do when you receive a CF 28 or CF 29
- Developing a 5-step C-TPAT risk assessment process that will meet CBP expectations
- Streamline C-TPAT, AEO, PIP cargo security processes to improve the flow of goods
- Integrating 100 % air cargo screening and EU's 24 hour rule into your global operations
- Overcoming complex customs valuation and transfer pricing challenges
- Decipher ISA program changes and what they mean for participants and applicants

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ACI's annual **Advanced Forum on Import Compliance and Enforcement** is the only event on the market that provides *real-world information* on the latest customs and import compliance developments from industry leaders who drive trade compliance.

Every year, import compliance professionals, international trade attorneys and senior Customs officials attend **American Conference Institute's Advanced Forum on Import Compliance and Enforcement** for the most up-to-date and comprehensive information on CBP enforcement initiatives, evolving customs requirements, supply chain security and enhancing internal controls. Now in its 6<sup>th</sup> successful year, this leading Forum will once again provide **advanced and practical** insights on the latest customs and import compliance developments.

Key issues including prior disclosures, FTAs, valuation and imported product safety continue to challenge even the most seasoned import compliance professionals. At the same time, more examinations and Requests for Information by CBP, ISA program changes, new C-TPAT risk assessment requirements, and heightened inspection activity of air-related cargo shipments are placing US importers under more pressure than ever before. Shipments are increasingly being scrutinized by CBP and audits are becoming more intrusive.

Attend this unique industry event and gain specific insights into how to tackle your most complex customs compliance challenges. Learn from and meet senior corporate customs compliance executives from companies including **Williams-Sonoma, S.C. Johnson & Son, Dell, Northrop Grumman, GE Aviation, Hershey, IBM, Robert Bosch, and Abbott.**

Benefit from a revised 2011 agenda, with a global spin, featuring an unprecedented speaker faculty and **new panel sessions** including:

- **Status Update on Inter-Agency Communication, Information Sharing and Efforts to Streamline Import Procedures** – *a rare opportunity to get the answers to your most pressing questions directly from CBP, CPSC, FDA and USDA*
- **Managing customs valuation and transfer pricing issues**
- **Coordinating multiple cargo security program requirements**
- **Weighing Operational Strategies to Meet 100 % Air Cargo Screening Requirement**
- **EU 24 Hour Rule: Meeting Entry Summary Declaration Requirements**
- **Canada: Dealing with Increased CBSA Enforcement and Uptick in Audits**

Advanced Benchmarking and Working Sessions – **New this Year**

- Benchmarking Session – The Core Elements and Structure of an Effective Import Compliance Program** – take advantage of the opportunity to share best practices and gain insights from your peers
- Getting Customs Valuation Right – A Practical Working Session on How to Meet Increasingly Complex Valuation Challenges** – workshop leaders will guide you through many of the Customs valuation issues encountered in day-to-day operations

Don't miss this rare opportunity to hear directly from CBP, CPSC, FDA, USDA, and ICE while benchmarking your import compliance procedures against those of your peers'. No other import conference delivers that much value in just two days. Call 1-888-224-2480; fax your registration form to 1-877-927-1563; or register online at [www.AmericanConference.com/import](http://www.AmericanConference.com/import).

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  - International Trade Counsel
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  - Customs and International Trade Counsel
  - General Counsel
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  - Managers, Brokerage Services
  - In-house Counsel

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Tuesday, May 17, 2011

8:00 **Registration and Coffee**

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

*Meredith Covey*

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

*Robert J. Pisani*

Partner  
Pisani & Roll LLP (Washington, DC)

8:45 **The Agencies Speak - Status Update on Inter-Agency Communication, Information Sharing and Efforts to Streamline Import Procedures**

*Valarie M. Neuhart*

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

*Jeremy Baskin*

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

*Domenic Veneziano*

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

*Mary H. Stanley*

International Policy Division  
Office of Policy and Program Development  
Food Safety and Inspection Service  
U.S. Department of Agriculture (Washington, DC)

*Marianne Rowden – Panel Moderator*

President & CEO  
American Association of Exporter and Importers  
(Washington, DC)

- CBP, FDA, CPSC and USDA – organizational overview and how inter-agency communication on importations takes place
- Identifying the regulations specific to your industry and which transactions generate multiple agencies' involvement
- How CBP interacts and cooperates with other agencies involved in the import process
- How other agency personnel are positioned compared to CBP personnel concerning inspections and examination of imported items
- How required entry data information is shared among the concerned agencies
- Restrictions on the sharing of import data among agencies and how confidential business information is protected
- What is the appropriate and best contact method for importers in circumstances involving other agency compliance issues
- New developments in interagency cooperation including streamlining import related procedures such as targeting, examinations and enforcement

9:45 **What to do When You Receive a CF 28 or CF 29: Handling the Self-Disclose Decision and Agency Communication**

*Michael L. Utchell*

Director, Customs & Logistics  
DRS Technologies (Arlington, VA)

*John Macisso*

North America Trade Compliance Manager  
Covidien (Mansfield, MA)

*Melvin S. Schwechter*

Partner  
Dewey & LeBoeuf LLP (Washington, DC)

- Assessing how CBP's use of CF 28s and 29s can impact the importer's ability to make a valid prior disclosure
- How CBP evaluates the information contained in the Form 28 or 29
- When the Forms 28 and 29 are considered a "commencement document" for prior disclosure purposes
- What to consider before submitting a disclosure
  - What are the benefits of submitting a prior disclosure
  - When is a prior disclosure considered valid

10:45 **Coffee Break**

11:00 **Conducting Effective C-TPAT Risk Assessments**

*Arthur C. O'Meara IV*

Export Control Officer and Manager  
Supply Chain Security  
Robert Bosch LLC (Broadview, IL)

*Ted Murphy*

Partner  
Baker & McKenzie LLP (Washington, DC)

- Developing a 5-step risk assessment process that meets CBP expectations
- Incorporating threat and vulnerability risks/red flags into the C-TPAT assessment
- How to manage the scope of the assessment and minimize costs
- Assembling the team: deciding who should perform the risk assessment
- When and how often should assessments be conducted
- Documenting information and rationale for risk assessment to defend your approach
- Maintaining validation status and preparing for C-TPAT revalidations

12:00 **Keynote Address**

*Alan Bersin \**

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

12:30 **Networking Luncheon for Attendees and Speakers**

1:30 **CBP Focused Assessments: New Enforcement Areas and Compliance Expectations**

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*Cindy Covell*

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

- Audit approaches and focused assessment timeline
- How CBP evaluates compliance and determines what is perceived as unacceptable practice
- Common internal control deficiencies that trigger compliance errors
- Supply Chain Security Observation Objective (SCSO) – how CBP identifies areas of potential concern and what is expected from Trade in terms of its supply chain security procedures
- The auditors' role in the supply chain security observation process
- Information sharing with other Government agencies and what it means for importers
- What Trade can do to ensure best practices

2:00 **Preparing for Customs Audits: How to Minimize the Risk of Non-Compliance during Focused Assessments**

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*Paula Swanson*

Deputy Director, Trade Compliance  
Sanofi Pasteur (Swiftwater, PA)

*Jerry Hanifin*

Director – Global Trade Compliance  
Pall Corporation (Port Washington, NY)

*Doug Hyland*

Customs Compliance Manager  
Nordstrom, Inc. (Seattle, WA)

*Lorraine Trapani*

Executive Program Manager  
Import Compliance and Supply Chain Security  
IBM Corporation (Ridgefield, CT)

*John B. Brew – Panel Moderator*

Partner  
Crowell & Moring LLP (Washington, DC)

- What to do when you receive the audit call – core elements of an effective audit response plan
- Working with CBP auditors to determine the FA areas of focus
- Responding to the FA questionnaire and preparing for opening conference with CBP
- Performing a self assessment and reviewing results to increase your chances of surviving an audit
- Responding to requests for information throughout the audit process
- Factors to consider in determining outside counsel involvement
- Interacting with Customs in an audit – what you should and should not do
- Post audit communications and preparing for a re-audit

3:15 **Afternoon Refreshments**

3:30 **Leveraging Duty-Saving Programs: Maximizing Duty Drawback and GSP Benefits**

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*Randi S. Waltuck*

Director, North American Trade Operations  
Global Trade & Compliance  
Dell Corporation (Fort Worth, TX)

*Kenneth G. Weigel*

Partner  
Alston & Bird LLP (Washington, DC)

- Integrating the Drawback program benefits into your current import operations
  - What type of drawback is available for use: manufacturing, unused merchandise and rejected merchandise
  - CBP drawback oversight and enforcement and penalties
- Generalized System of Preferences (GSP) procedures for submissions
- What is taken into account during the yearly GSP review
- What is considered a “product of a GSP country”
- Establishing verification process for new items
- Update on Drawback and GSP reform – how anticipated changes can affect your programs

4:30 **EU 24 Hour Rule: Meeting European Entry Summary Declaration Requirements**

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*Mathias Petzold*

Director Operations, Global Trade Compliance  
ADVA Optical Networking (Norcross, GA)

*Laurent Ruessmann*

EU Trade and Customs Lawyer  
(Brussels, Belgium)

- Navigating changes to the EU Customs Code 2005
- How the EU 24 Hour Rule compares to 10+2
- Filing ENS declarations: what you should include to avoid penalties and delays
- Filing deadlines and procedures for containerized shipments and other maritime shipments
- How to minimize the impact of ENS on your global supply chains

5:15 **Conference Adjourns**

**Rave Reviews from Past ACI Import Conferences:**

*“Great forum for all involved parties. All speakers provided very practical and valuable insights.”*

Siemens

*“Top notch speakers - in content, style and preparation.”*

DuPont

*“Very informative and open for discussion and questions.”*

AVNET

8:30 **Co-Chair's Opening Remarks**

8:45 **Coordinating Multiple Cargo Security Program Requirements: How to Streamline Process to Alleviate Administrative Burdens and Improve Flow of Goods**

*Robert E. Byrne*

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

*Roger McCrary*

Vice President Compliance and Senior International  
Trade Counsel  
Momentive, Inc. (Columbus, OH)

*Bruno Fransman*

Strategic Trade Initiatives Manager  
Honeywell Automation & Control Solutions  
(Brussels, Belgium)

*Jill Franze - Panel Moderator*

Director Global Customs  
Cisco Systems, Inc. (Sacramento, CA)

- Contrasting the characteristics and challenges of US C-TPAT, EU AEO, Canada PIP, Japan AEO, China AEO and Singapore STP Plus program
- Authorized Economic Operator program participation – allocating resources to effectively administer programs and integrate requirements
- Leveraging existing global processes to facilitate integration
- Requiring trading partners to incorporate AEO security requirements into their global processes
- Using existing measurements to monitor compliance
- Update on C-TPAT/AEO Mutual Recognition/ Harmonization
- World Customs Organization update – SAFE Framework of Standards and Authorized Economic Operator (AEO)

10:00 **Customs Enforcement Priorities: What Makes a Good Penalty Case**

*Brian Barulich*

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

*Sarah Baerwald*

HSI Unit Chief, Programs Unit  
National Intellectual Property Rights Coordination Center  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
(Washington, DC)

- CBP and ICE enforcement priorities: what the agencies perceive as problem areas and how they are allocating enforcement resources
- CBP and ICE enforcement tools and procedures
- What triggers an ICE investigation
- Red flags or common errors that could lead to a penalty action if a company fails to act with reasonable care
- Enforcement of special duty programs including NAFTA, GSP, FTAs, and American Goods Returned
- How penalty cases are initiated by Customs and common mistakes that companies make in petitioning for relief
- How CBP determines the civil penalty amounts and the asserted level of culpability
- ICE's role in the civil penalty process

10:45 **Coffee Break**

11:00 **Importer Self-Assessment: What ISA Program Changes Mean for Participants and Applicants**

*Florence Constant*

Chief, Partnership Programs Branch  
Customs and Border Protection  
U.S. Department of Homeland Security  
(Washington, DC)

*Michael Zecchino*

Global Customs Compliance Manager/Legal Operation  
GE Aviation (Springdale, OH)

*Robert J. Pisani*

Partner  
Pisani & Roll LLP (Washington, DC)

- What you need to know about the ISA Application Review Meeting ("ARM")
- Understanding the changes to the Annual Notification Letter requirements
- How CBP is approaching post-ISA admission "continuation review meetings"
- New criteria and requirements for an ISA program applicant's Self-Testing plan
- Are ISA program benefits still worth the investment?

12:00 **Weighing Operational Strategies to Meet 100% Air Cargo Screening Requirement**

*Ashley W. Craig*

Partner  
Venable LLP (Washington, DC)

- How to incorporate new procedure into your current supply chain processes
- Targeting sensitive products that may be comprised during an inspection and developing alternate strategies
- Weighing the cost/benefit of outsourcing to freight forwarders or handling inspections internally
- Understanding what the certification process entails for packaging facilities to perform inspections

12:30 **Networking Luncheon for Attendees and Speakers**

1:45 **Canada: Dealing with New CBSA Advance Filing Requirements and Uptick in CBSA Audit Activity**

*Pierre Mallette*  
Director of Logistics  
Globe Electric Company Inc. (Montreal, Canada)

*Mark N. Sills*  
Partner  
Fasken Martineau (Toronto, Canada)

- Recent restructuring of Canada Border Services Agency (CBSA) and implications for US operators in Canada
- Status of PIP/C-TPAT Mutual Recognition/Harmonization
- CBSA ACI/eManifest – how the new process works and the changes importers, freight forwarders and brokers need to implement to prepare
- U.S. Importer Security Filing (10+2) versus Canada's Proposed Advance Trade Data
- Preparing for a CBSA audit and new trends in auditing

2:30 **FTAs: Increasing Savings Opportunities and Verifying Claims**

*Michele Dunkle*  
Import Compliance Manager  
Northrop Grumman Corporation (Baltimore, MD)

*Erika Vidal Faulkenberry*  
Customs & Trade Compliance Manager  
The Hershey Company (Hershey, PA)

- Analyzing production and trade flows to identify existing duty savings opportunities
- Adjusting production and trade flows to create new duty savings opportunities through FTAs
- Overcoming FTA compliance pitfalls: nuances of eligibility rules, country of origin, record retention requirements, internal controls and processes
- FTA enforcement and penalties – responding to requests and validations
- Audits of importer's duty-free claims under NAFTA – what you need to know to minimize risk of non-compliance

3:30 **Afternoon Refreshments**

3:45 **Managing Complex Customs Valuation and Transfer Pricing Issues**

*Richard M. Wortman*  
Partner  
Grunfeld, Desiderio, Lebowitz, Silverman, & Klestadt, LLP (Washington, DC)

- Managing differences in approach between customs and tax law
- Post-importation tax adjustments and customs value – what facts are used to determine customs value
- Customs value issues if IRA adjustment changes the price
  - What is the proper method of valuation
  - Other considerations related to price to use
- Process for reporting certain information to CBP after importation

- Integrating transfer pricing with supply chain processes – assigning responsibilities internally and externally
- Documentation and record keeping procedures

4:15 **Developing a Product Safety Management Program that Meets CPSC and other Agency Requirements**

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

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

- Knowing which regulatory requirements apply to the product you are importing
- Assigning responsibility for product control and compliance
- Analyzing and evaluating risks in the product life cycle
- What CPSC expects from a “reasonable testing program”
- 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
  - Supplier monitoring and review
- 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

5:00 **Co-Chairs' Closing Remarks and Conference Ends**

\*denotes invited at time of print



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**Workshop A (9:00 a.m. – 12:30 p.m.)**

**Benchmarking Session –  
The Structure and Core Elements of an Effective  
Import Compliance Program**

*Georgia Barr*

US Compliance & International Trade  
S.C. Johnson & Son, Inc. (Racine, WI)

*Meredith Covey*

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

*Suzanne J. Hoeger*

Director, Global Trade Compliance & Policy  
Abbott (Abbott Park, IL)

This exclusive session is a one-of-a-kind opportunity to benchmark your import compliance program against your peers'. Attendance will be limited to in-house executives to encourage open discussion and exchange of ideas and questions.

This small and interactive benchmarking session brings together seasoned trade compliance executives to discuss how to best implement, manage and monitor an effective import compliance program. Speakers will lay out a roadmap of best practices and individual concerns. Participants will have an opportunity to benchmark their programs with other companies and discuss issues and solutions related to automation, allocation of internal resources and management. The benchmarking session will focus on the type of information that the participants choose to share, and will be closed to outside counsel, consultants and government officials. Take advantage of this rare opportunity to have your specific import compliance questions answered and find out how other companies are addressing similar challenges.

Topics of discussion will include:

- Resources, tools and techniques leading companies are using to implement, manage, and monitor an import compliance program
- Selecting the optimal structure for your import compliance department
- What resources are companies expected to devote to import compliance
- 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
- Automating the customs process
- Impact of new security requirements on your import compliance program
- Reviewing and upgrading internal controls related to imports to better meet security requirements
- Training supply chain partners on evolving security requirements

This Benchmarking Session is an excellent opportunity to share your ideas, issues and compliance initiatives with your colleagues and peers, and to hear their immediate thoughts and feedback.

**Workshop B (1:30 p.m. – 5:00 p.m.)**

**Getting Customs Valuation Right –  
A Practical Working Session on How to Meet  
Increasingly Complex Valuation Challenges**

*Paul P. Vandever*

International Trade Attorney  
Office of the General Counsel  
Ford Motor Company (Detroit, MI)

*Bruce H. Leeds*

Of Counsel  
Braumiller Schulz LLP (Washington, DC)

US Customs valuation remains a major challenge for import compliance professionals. It is also high on the "hit list" during Customs Focused Assessment Audits. This practical workshop will guide you through many of the Customs valuation issues encountered in day-to-day operations. Subjects covered will include:

- Developing alternative methods of valuation for returns, defectives, inventory movements, zero dollar transactions, and no charge shipments
- Do you have a "price paid or payable"?
- Identifying and dealing with assists
  - Apportionment of the assist value
  - Implementing record keeping procedures to avoid overpayment of duties
  - Assist commissions royalties – dutiable considerations
- The "first sale rule" – what is it about and how to handle it
- Putting together a Computed Value calculation
- Valuation of non-purchased articles
- What to do when Customs rejects a declared value
- What can be learned from recent valuation rulings

Workshop leaders will bring a practical perspective to these and other valuation issues with an emphasis on constructive real-world information.

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Head of Sales, American Conference Institute

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American Conference Institute's 6<sup>th</sup> Advanced Forum on

# IMPORT COMPLIANCE & ENFORCEMENT

Integrating Trade Compliance, Cargo Security and Audit Requirements into a Robust Global Program

May 17-18, 2011 • Hilton Washington Embassy Row • Washington, DC

Interactive Post-Conference  
Working Sessions:  
Thursday, May 19, 2011

**Workshop A (9:00 a.m. – 12:30 p.m.)**  
**Benchmarking Session – The Structure and Core Elements of an Effective Import Compliance Program**

**Workshop B (1:30 p.m. – 5:00 p.m.)**  
**Getting Customs Valuation Right – A Practical Working Session on How to Meet Increasingly Complex Valuation Challenges**

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