

ITAR Boot Camp

October 8, 2013 | InterContinental Chicago Magnificent Mile | Chicago, IL

7:30 Registration & Continental Breakfast

8:30 Opening Remarks from the Co-Chairs

Greg Sloan
Global Trade Controls Director
Boeing Defense, Space and
Security
Office of Internal Governance
The Boeing Company
(Hazelwood, MO)

Nancy Ceglarski
Manager, International Trade
Compliance
Northrop Grumman Corporation
(Rolling Meadows, IL)

ITAR CLASSIFICATION

8:45 **ITAR PARTS 120 & 121 AND EXPORT CONTROL REFORM – Which Items, Technology and Services Stay ITAR-Controlled: How to Determine ITAR Jurisdiction over Defense, Commercial and “Dual-Use” Items**

Michael Laychak
Director, Licensing Directorate
Defense Technology Security
Administration
U.S. Department of Defense
(Washington, DC)

Carmen Fellows
Director, Trade Compliance
DRS Technologies, Inc.
(Arlington, VA)

Jason M. Silverman
Partner
McKenna Long & Aldridge LLP (Washington, DC)

- When are defense articles, technology and related services “ITAR-controlled”: What is covered by the U.S. Munitions List (USML)
- What is truly “ITAR-free”
- How original design intent, government funding, R&D, testing, specifications, underlying technology, tamper-proofing and intended market factor can affect jurisdiction
- Ensuring and documenting when the ITAR does not apply to commercial and “dual-use” items
- Clarifying ITAR application to commercial and “dual-use” items
- The “specially designed or modified” reach of the ITAR, the “see-through” rule and their application to your products
- Identifying when foreign commercial products and technology can become ITAR-controlled
- Commingling and integrating commercial and defense technologies: Identifying ITAR “taint” of your
- commercial products and services
- How to define “technical data”, “defense services” and “export” of technical data
- Do’s and don’ts for determining whether technical data is in the “public domain”
- Complying with restrictions governing “technical” discussions
- What are “defense services” under the ITAR: Status of changes to the definition, and how it affects commercial companies and services
- How U.S. persons can engage in ITAR-controlled “defense services” by simply providing public domain information
- How “defense services” can cover technical data related to EAR-controlled items

10:00 Networking Coffee Break

10:15 **ITAR SECTIONS 120.3 and 120.4 – How to Meet DDTC and DTSA Expectations for Drafting Commodity Jurisdiction Requests: Review of Sample CJs and Lessons Learned**

Michael Laychak
Director, Licensing Directorate
Defense Technology Security
Administration
U.S. Department of Defense
(Washington, DC)

Timothy E. Boyle
Vice President & Chief Counsel –
Competition and Trade
Regulation
Eaton Corporation
(Cleveland, OH)

Bart McMillan
Partner
Baker & McKenzie (Chicago, IL)

Through a review of sample CJs, best practices and common pitfalls, this hands-on, practical session will provide you with a solid foundation for preparing CJ requests and deciding when to file a CJ instead of conducting a self-determination. The session will also address how DDTC and DTSA review CJ requests, and recent trends in jurisdictional determinations.

- Preparing a CJ request: What you need to submit, what supporting material to include and other key elements
- DDTC Guidelines for preparing CJ requests: What the State Department expects and how to expedite the process
- Who should prepare CJ requests and when: Pros and cons of an official U.S. Government determination vs. self-determination
- How to “commercialize” existing USML items to break free of ITAR controls
- Key factors affecting CJ determinations: Recent trends in rulings and lessons learned
- How to interpret CJ determinations, and what you can do with the CJ after you obtain it

11:15 **ITAR SECTIONS 120.10, 120.17, 124.1, 125.2, 125.3 and 126.18 – How to Comply with New Foreign, Dual and Third Country National Rules Amid Conflicting Foreign Anti-Discrimination and Privacy Law Restrictions**

Nancy Ceglarski
Manager, International Trade
Compliance
Northrop Grumman Corporation
(Rolling Meadows, IL)

Jonathan Epstein
Partner
Holland & Knight LLP
(Washington, DC)

- How DDTC defines “foreign national”, “dual national”, “third country national”, “U.S. person” and “access”: Impact of changes to dual and third country national requirements under 126.18, and available exemptions
- How the ITAR addresses the sharing of technology with foreign persons inside and outside the U.S.
- Screening and interviewing foreign nationals without discriminating on the basis of national origin:
- Reconciling the ITAR with EU, Australian and Canadian human rights and privacy laws
- Incorporating export controls language into your offer letters, employment agreements and using non-disclosure agreements (NDAs)
- Assigning foreign persons to ITAR sensitive areas: Avoiding deemed export/re-export violations, and to how to badge non-U.S. persons
- Outsourcing IT and engineering activities overseas: Complying with ITAR restrictions
- Controlling visitor access to restricted areas

12:30 Networking Luncheon

1:30 **How to Prepare ITAR Licenses and Agreements that Meet DDTC and DTSA Expectations: A Step-by Step Guide to Filling Out Applications, Electronic Filing and Providing Supporting Documentation**

Michael Laychak
Director, Licensing Directorate
Defense Technology Security Administration
U.S. Department of Defense (Washington, DC)

Carmen Fellows
Director, Trade Compliance
DRS Technologies, Inc. (Arlington, VA)

Joseph D. Gustavus
Partner
Miller Canfield (Troy, MI)

DDTC and DTSA are looking for specific information when reviewing license requests. At this highly practical, in-depth session, expert speakers will take you through how to successfully prepare licenses and agreements. As part of this intensive session, the expert speakers will take you through sample applications and supporting documents that will serve as a helpful guide for your daily work.

- When a DSP-5, DSP-73, or DSP-61 , DSP-85, TAA, MLA or WDA is required: The approvals process, how to expedite the process, timeframes and how to reduce the risk of delay
- When and how to get TAAs, TAA Amendments, Re-Baselined TAAS and MLAs
- Key ITAR licensing exemptions and their limitations
- Constructing an accurate scope of export in your license application
- Drafting a license application: What to include, how to fill out the forms using DTrade2, and how to submit the application for
 - hardware shipments; technical assistance exports
 - offshore procurement, technical data exports
- When to use a letter of intent to support a license request
- What DDTC expects beyond the written guidelines
- Structuring and valuing license authorizations
- Key reasons for RWA (Returns without Action) or license denials, and how to prevent them
- When and how to amend license authorizations
- When to cover foreign nationals under MLAs and TAAs
- Degree of information expected by DDTC and DTSA in TAA scope of export and statement of work
- What DDTC and DTSA expect beyond the written guidelines
- Analysis of sample TAAs and MLAs

3:00 Networking Break

3:15 **Avoiding Harsh Penalties for Misuse of ITAR Licensing Exemptions**

Jonathan Epstein
Partner
Holland & Knight LLP (Washington, DC)

- Key exemptions and their limitations, including:
 - U.S. person abroad/U.S. subsidiary
 - U.S. Government exemption
 - Canadian exemption
 - Return and repair exemption
 - Temporary Imports
 - FMS exemption
 - Re-exports to NATO, Australia or Japan
 - UK and Australia ITAR exemptions
 - University fundamental research exclusion

4:00 **ITAR PART 129 – The Expanding Definitions of “Broker” and “Brokering”: How to Comply with Compliance, Licensing and Reporting Requirements**

Jason M. Silverman
Partner
McKenna Long & Aldridge LLP (Washington, DC)

Joseph D. Gustavus
Partner
Miller Canfield (Troy, MI)

- Status of Invited rules and how they differ from existing requirements
- What activities constitute “brokering”? Who is a “broker”?
- Application to foreign persons otherwise subject to U.S. jurisdiction
- When and how to get ITAR license approvals for brokers and meet reporting requirements
- Satisfying “prior notification” requirements and exemptions for large exporters and SMEs
- Best practices for broker agreements and activities: Compliance checklist
- Monitoring compliance by foreign agents and representatives

4:45 **ITAR Compliance Program and Supply Chain Do’s and Don’ts: Core Elements of Effective Compliance Manuals, Policies and Procedures**

Greg Sloan
Global Trade Controls Director
Boeing Defense, Space and Security
Office of Internal Governance
The Boeing Company
(Hazelwood, MO)

Timothy E. Boyle
Vice President & Chief
Counsel –Competition and
Trade Regulation
Eaton Corporation
(Cleveland, OH)

Bart McMillan
Partner
Baker & McKenzie (Chicago, IL)

ITAR Compliance Program

- How much you need to spend: Tailoring your compliance program to your company operations industry
- Risks and geographic scope
- Key elements and best practices for effective ITAR compliance
- Identifying and empowering the right internal resources and personnel
- Developing and updating your compliance manual, procedures and processes, including policy
- Statements and message from senior management
- Creating an anonymous reporting tool and compliance hotline
- Review of sample policies and procedures

Supply Chain, End-Use and End-User Screening

- Where the exporter’s responsibility for third party compliance begins and ends: When and how much to train third parties, and how much is too much
- Vetting third parties, including subcontractors, freight forwarders, distributors, customs brokers, customers, re-sellers and others: What to look for and ask at the due diligence stage
- Monitoring ITAR compliance of third parties
- Recordkeeping: What documents/information to collect from foreign third parties, and how to review them
- Building an effective end use/end user screening program
- Complying with necessary end use/end user authorizations and certifications
- Safeguards to implement for orders and shipments, and when to terminate the relationship because of export enforcement risks

6:00 **ITAR Boot Camp Concludes**

FEE PER DELEGATE	Register & Pay by Aug. 2, 2013	Register & Pay by Sept. 6, 2013	Register after Sept. 6, 2013
<input type="checkbox"/> ITAR Boot Camp Seminar	\$1195	\$1295	\$1395

Seminar Code: 880L14-WSP
For registration details, please see page 8 of main conference brochure