



ITAR Boot Camp

Intensive Training on the **International Traffic in Arms Regulations**
How to Implement and Monitor an Effective ITAR Compliance Program



Make sense of complex ITAR requirements and gain practical tools you need to:

- Classify your articles, technology and services, and conduct a successful ITAR jurisdiction analysis
- Draft effective **Commodity Jurisdiction (CJ) requests**
- Prepare successful **license applications**, and ensure **post-TAA and MLA compliance**
- Use **ITAR exemptions**
- Comply with restrictions on **end-use, end-users and foreign nationals**
- Control **domestic and international transfers of technical data and defense services**
- Comply with the **brokering provisions** of the ITAR
- Conduct an **internal investigation** into potential **ITAR violations**
- Prepare successful voluntary and directed **disclosures**

BENEFIT FROM THE IN-HOUSE ITAR EXPERTISE OF:

- | | |
|--------------------|------------------------|
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| The Boeing Company | DRS Technologies |
| Mitsubishi | BAE Systems |
| SAIC | ATK Space Systems |
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The **Export Practitioner**



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Gain an In-Depth Understanding of the ITAR and How to Minimize the Risk of Export Violations

ITAR regulations dictate that information and material pertaining to defense and military-related technologies cannot be exported or shared with non-U.S. persons unless approval from the **Department of State** is received or a special **exemption** is used.

An exporter that doesn't master defense trade controls can **unknowingly** violate strict provisions of the ITAR and incorrectly assume that their articles, technical data or services aren't subject to defense trade controls! Anything but a clear understanding of the ITAR is **extremely risky**, as **enforcement** becomes even more **heavy-handed** and **penalties** continue to rise.

Developing and implementing an effective **ITAR compliance program** is daunting. U.S. exporters must always be up-to-date on the latest **regulatory changes**, guidelines and **enforcement actions**. Moreover, exporters must know how to overcome practical, **real-life challenges** affecting their compliance status, including how to **determine ITAR jurisdiction**, draft **CJ requests**, use license **exemptions**, expedite **license approvals**, and control **foreign nationals** access.

The **American Conference Institute's "ITAR Boot Camp"** is designed as an in-depth, **practical course** on the **nuts and bolts of ITAR compliance**. Our expert faculty will walk you through the ins and outs of key requirements, exemptions and the latest updates. This course will allow for ample **Q & A**, hands-on exercises and case studies, and will provide you with **valuable materials** that will help you in your daily work. Topics will include:

- **Classifying** your articles, technology and services: How to conduct an effective **ITAR jurisdiction** analysis
- When and how to draft **Commodity Jurisdiction (CJ) Requests**
- How to **use license exemptions** and prepare a successful **ITAR license application**
- Complying with restrictions on **foreign national** employees and visitors
- How to ensure compliance with **end-users** and **end-use restrictions**
- Avoiding ITAR violations related to **technical data** and **defense services**
- Building an effective domestic and global **compliance program**
- What to do if an **ITAR violation** is suspected
- Preparing effective voluntary and directed **disclosures**

Spaces will fill up quickly, so register now. Call **1-888-224-2480**, fax your registration form to **1-877-927-1563** or register online at www.AmericanConference.com/ITARBootCamp.

Who Will Benefit by Attending this ITAR Boot Camp

- Managers, Directors and Vice Presidents of:
 - Export Compliance
 - Export Administration
 - Export Controls
 - Export Policy
 - Export Licensing
 - Government Relations
 - International Trade Compliance
 - Internal Controls
- Export Compliance Specialists, Officers and Administrators
- General Counsel's Office
 - VP Legal Affairs/Operations
 - International Trade Counsel
 - Export Compliance Counsel
- Export Controls Counsel and Consultants

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ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of 16.5 hours.

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For more information about this program or our global portfolio of events, please contact:

Wendy Tyler

Group Leader & Business Development Executive
American Conference Institute

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Register now: 888-224-2480 | fax: 877-927-1563 | AmericanConference.com/ITARBootCamp

8:30 **Opening Remarks from the Boot Camp Co-Chairs**

Paul Meador

Senior Counsel, Export/Import
Northrop Grumman Corporation

Kevin Wolf

Bryan Cave LLP

8:45 **Classifying Your Articles, Technology and Services: How to Conduct an Effective ITAR Jurisdiction Analysis**

Karen Jones

Director, Export Import Operations, Missile Systems
Raytheon Company

John P. Barker

Arnold & Porter LLP

- When defense articles, technology and related services are “ITAR-controlled”: What is covered by the U.S. Munitions List (USML)
- How to classify: Avoiding common pitfalls
- How original design intent, government funding, R&D, testing, specifications, underlying technology, tamper-proofing and intended market factor can affect the classification
- Clarifying ITAR application to commercial and “dual-use” items
- The “specially designed or modified” reach of the ITAR
- The “see-through” rule and how it can apply to your products
- Commingling and integrating commercial and defense technologies: Impact on classification

10:00 **Defense Trade Controls Agencies: Who Does What and How to Stay on Their Good Side**

John Priecko

Vice President, Global Trade Compliance
JP Morgan, Global Trade Services

- Key agencies, including: Departments of State (DDTC), Commerce (BIS), Defense (DTSA), and Homeland Security (CBP)
- Their roles and approaches to ITAR compliance and enforcement
- When you need to register with the Directorate of Defense Trade Controls (DDTC), and how
- Enhanced interagency coordination and why you should care
- How to manage your relationships with all departments/agencies
- Staying on their good side: Practical strategies
- Getting information: Who to contact for what and Internet resources to keep you in touch
- How to remain current with amendments, changes and related rulings
- The importance of “reputation” and being a “goodwill ambassador” for your organization

10:30 **Coffee Break** ☐

10:45 **When and How to Draft Commodity Jurisdiction (CJ) Requests**

Karen Jones

Director, Export Import Operations, Missile Systems
Raytheon Company

Kevin Wolf

Bryan Cave LLP

- Who should prepare CJ requests and when
- Pros and cons of an official U.S. Government determination vs. self-determination
- What to do when your product has migrated from military to commercial use without a CJ
- How to “commercialize” existing USML items to break free of ITAR controls
- What agencies expect and how to expedite the process
- State Department guidelines for preparing CJ requests: What you need to submit, what supporting material to include and upcoming changes
- Driving factors in CJ determinations: Recent trends in rulings and lessons learned
- How to interpret CJ determinations
- Regulatory and other CJ recordkeeping considerations
- What you can do with the CJ after you get it: How NOT to abuse the determination

12:00 **Lunch for Attendees and Speakers**

1:15 **Defining and Controlling Technical Data**

Paul Meador

Senior Counsel, Export/Import
Northrop Grumman Corporation

John P. Barker

Arnold & Porter LLP

- What is “technical data” and “export” of technical data?
- Preventing technical data export violations: Minimizing heightened risks in offshore procurement
- Determining whether technical data is in the “public domain”: Recent DDTC guidance
- Identifying whether technical data is ITAR-controlled
- “Technical data” vs. “defense services”

2:00 **Preventing ITAR Violations related to Defense Services**

Harriette M. Henderson

Corporate Director International Affairs
Teledyne Technologies Incorporated

John Ordway

Berliner, Corcoran & Rowe, LLP

- How broad are “defense services” and why commercial companies should care
- How “defense services” can cover technical data related to EAR-controlled items
- Keeping ITAR “taint” from undermining your commercial services
- How U.S. persons can engage in ITAR-controlled defense services by simply providing public domain information
- Best practices for avoiding ITAR violations

2:45 **Coffee Break** ☐

3:00 Using ITAR Licensing Exemptions

Paul Meador

Senior Counsel
Northrop Grumman Corporation

John A. Ordway

Berliner, Corcoran & Rowe, LLP

- Analysis of key ITAR exemptions, including
 - U.S. person abroad/U.S. subsidiary
 - U.S. government exemption
 - return and repair exemption
 - Canadian exemption
 - FMS exemption
 - re-exports to NATO, Australia or Japan
- Limitations of key exemptions
- Criteria for determining whether an exemption can be used
- How to obtain Military Service “certification” of exemptions
- Common mistakes to avoid in using exemptions
- Recordkeeping and the use of ITAR exemptions

4:00 Preparing Successful ITAR License Applications: Key Requirements, New DDTC Guidelines and Best Practices

Candace M. J. Goforth

Training Division Chief
Directorate of Defense Trade Controls–Licensing
U.S. Department of State

Lawrence R. Fink

Director, Corporate Export Administration
SAIC

James D. Slear

Gibson, Dunn & Crutcher LLP

- The licensing process: Requirements, guidelines, typical timelines and license process flow
- Types of export authorizations and when to use them
- Hands-on exercises: Matching authorizations with transactions
- Preparing DSP-5 applications
- Drafting, structuring, and valuing TAAs, MLAs, WDAs under new DDTC guidelines: Analysis of sample agreements
- Key reasons for RWA (returns without action) or license denials and tips to avoid them

5:30 Boot Camp Adjourns for the Day

DAY 2 | WEDNESDAY, FEBRUARY 25, 2009

8:30 Opening Remarks from the Boot Camp Co-Chairs

8:45 Complying with Restrictions on Foreign National Employees and Visitors

Helaine F. Lobman

Assistant General Counsel
Mitsubishi Electric & Electronics USA, Inc.

Paul Seraydarian

Director, Global Licensing Compliance & Policy
Global Trade Controls, Office of Internal Governance
The Boeing Company

Kay Georgi

Arent Fox LLP

- State Department/DDTC definitions of “foreign national”, “dual national”, “third country national”, “U.S. person” and “access”
- How ITAR addresses the sharing of technology with foreign persons inside and outside the U.S.
- When and how to cover foreign nationals under MLAs and TAAs: New DDTC guidelines
- Hiring and assigning foreign persons in ITAR sensitive areas: Avoiding deemed export/re-export violations
- Using and administering non-disclosure agreements (NDAs)
- Asking about nationality at the recruitment stage: Permissibility of questions under anti-discrimination and privacy laws
- Resolving conflicts between foreign national access restrictions, and Canadian/European human rights and privacy laws
- Managing employee and visitor access: Effective IT and physical controls
 - controlling visitor access to restricted areas
 - setting up secure firewalls, passwords and servers
 - using encryption: how much is required/expected
 - overcoming challenges of shared services such as file servers, printers
 - controlling the use of the Internet and information available to foreign national employees on company networks

9:45 Meeting End-Use and End-User Requirements

Heather C. Sears

Vice President, Trade Compliance
DRS Technologies

Louis K. Rothberg

Dilworth Paxson, LLP

- Ascertaining and verifying end-use and the end-user
- Requirements for persons overseas in possession of U.S. origin USML items
- Licensing requirements for change of end-use or end-user
- How to obtain DDTC permission for overseas persons to change end-use or end-user
- Developing an effective end-use/end user screening program

10:30 Coffee Break ☕

10:45 Developing an Effective ITAR Compliance Program: Key Elements

David L. Thomas

Group Manager, ATK Space Systems

Heather C. Sears

Vice President, Trade Compliance
DRS Technologies

Suzanne Y. Kao

Huffman Riley Kao PLLC

- Identifying and empowering the right internal resource and personnel
- Conducting internal training
- Record-keeping requirements and best practices
- Managing communications with government and other third parties regarding ITAR compliance
- Best practices for empowered officials

- Tailoring compliance processes to business model, industry and corporate culture
- Gaining senior management buy-in
- Building a comprehensive self-assessment tool
 - frequency and scope
 - assembling the right assessment team
 - collecting and controlling information
 - types of documents to review/create

12:00 Lunch for Attendees and Speakers

1:15 **Complying with Brokering Rules**

Gary Stanley

Global Legal Services

- 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 approval for a broker
- Overcoming common challenges to securing a license approval
- Complying with “prior notification” requirements and exemptions
- Best practices for broker agreements and activities: Compliance checklist
- Monitoring compliance by foreign agents and representatives
- Reporting requirements

1:45 **What to Do If You Uncover a Suspected ITAR Violation**

Candace Miller

Director, International Trade Compliance
BAE Systems, Inc.

David L. Thomas

Group Manager, ATK Space Systems

Louis K. Rothberg

Dilworth Paxson, LLP

- Structuring an internal investigation
 - composing the right audit team
 - types of documents to review and what to look for
 - sharing the findings
 - privilege protection and related considerations
- When to use in-house vs. external counsel/consultants
- Implementing effective (and immediate) corrective actions
- Managing information flows and preventing panic

2:45 **Coffee Break ☕**

3:00 **Preparing Effective Voluntary and Directed Disclosures**

James D. Slear

Gibson, Dunn & Crutcher LLP

- Directed disclosures vs. voluntary disclosures
- Deciding whether to file a voluntary disclosure: Factors to consider
- DDTC guidelines, expectations and ITAR 127.12 requirements
- What you should do before filing a voluntary disclosure

- Scope of investigation and report: Timeframe, how far to drill down, whom to interview and breadth of the report
- Material omissions in reports, including voluntary disclosures: Lessons learned from the ITT case
- What to expect from DDTC post-disclosure: Directed audits, required remedial measures, and when enforcement actions are more likely to result
- When voluntary disclosures trigger a DDTC demand or request for an outside audit

3:45

Post-License Implementation: Complying with Binding Clauses for TAAS and MLAs under Part 124 of the ITAR

Tom Chapin

Director, Global Trade Controls
United Launch Alliance

Candace Miller

Director, International Trade Compliance
BAE Systems, Inc.

Kay Georgi

Arent Fox LLP

- Ensuring company-wide compliance with license provisos: How to educate personnel on license restrictions
- Filing and record-keeping requirements and processes: How to document all shipments, and the use/transfer of technical data
- Monitoring and balancing out authorized values
- When you need to amend MLAs, TAAs and how
- When and how to request authorizations for re-exports and re-transfers
- Implementing proper controls: Identifying and reporting purchasers on the “prohibited entity list”

4:45

Implementing Your Compliance Program Overseas: Managing the Extra-Territorial Reach of the ITAR

Paul Seraydarian

Director, Global Licensing Compliance & Policy
Global Trade Controls, Office of Internal Governance
The Boeing Company

Suzanne Y. Kao

Huffman Riley Kao PLLC

- In what context the ITAR applies overseas and how violations can occur
- Deciding who is in charge of compliance
- Ensuring U.S. compliance of third parties, such as customers, foreign distributors, re-sellers and freight forwarders
- Monitoring compliance of foreign subsidiaries and affiliates
- Training foreign subsidiaries and affiliates: Tailoring compliance training to a foreign audience
- What type of product information can/cannot be shared with your overseas subsidiaries and customers
- Designing a global technology control plan (TCP): Review of key requirements and sample TCPs
- Controlling information flows with overseas subsidiaries and customers

5:30

Boot Camp Concludes

ITAR BOOT CAMP

Intensive Training on the International Traffic in Arms Regulations
How to Implement and Monitor an Effective ITAR Compliance Program

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