

# US Export Controls with REFORM CHANGES

2018 SEMINAR SERIES IN **HUNTSVILLE AL**

FEBRUARY 19-20, 2018: ITAR SEMINAR / FEBRUARY 21-22, 2018: EAR & OFAC SEMINAR

Learn about these **RECENT CHANGES** and more...

This seminar series provides both novice and experienced export compliance professionals with a comprehensive education on complying with regulations administered by the US departments of State, Commerce, and Treasury, and what the recent ECR changes and potential coming changes from a new administration mean for their compliance programs.

Export Control Reform (ECR) changes have relaxed the controls on most defense-related items and technology, but made understanding and complying with the regulations even more complicated. The shift of most military and space items from the ITAR (International Traffic in Arms Regulations) to the EAR (Export Administration Regulations) forces exporters to learn the highly complicated ins and outs of the EAR. The good news is that the complex rules impose significantly less compliance burdens and fewer compliance-based export delays. So if you learn these rules, you will be able to export sooner and reduce the costs of compliance, giving you a competitive advantage.

- “Specially Designed” in ITAR & EAR
- New Options for Exporting Military Hardware and Technology
- License Exception STA
- Changes to Important ITAR & EAR Definitions
- Latest Changes for Iran, Cuba, Russia/Ukraine/Crimea, India & Hong Kong
- New 600-Series and 9X515 ECCNs
- Shifts of Items from USML to CCL
- New EAR Arms Embargo & Military Controls
- Latest ITAR and EAR Licensing Policies and Procedures

## ITAR Defense Trade Controls

**FEB 19-20, 2018 2 DAY SEMINAR**

- Introduction to Export Controls - ITAR, DDTC & More
- Munitions Export Controls & Determining Jurisdiction
- “Specially Designed” and the Order of Review
- Controlled Items and Activities
- License Requirements & Application Workshop
- New Brokering Rules & Political Contributions
- Technical Data Considerations
- License, Agreement & Exemption Management
- Internal Control Programs
- Items Shifted from USML to CCL
- Export Control Reform: Adjusting & Updating Practices

## EAR & OFAC Commercial & Military Export Controls

**FEB 21-22, 2018 2 DAY SEMINAR**

- Export Administration Regulations (EAR)
- Jurisdiction & Classification: The Order of Review
- Shipping & Licenses
- China Military Catch-All Rule
- Reexports
- Office of Foreign Assets Control Regulations (OFAC)
- Technical Data & Software
- Encryption Controls
- Export Control Reform: Adjusting & Updating Practices
- Export Enforcement Issues & Effective Export Compliance
- Sanctions Changes & Evolving Controls on Russia

### SEMINAR SPONSORS:



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## ITAR DEFENSE TRADE CONTROLS

PROGRAM AGENDA: February 19-20, 2018

REGISTRATION: 8:00 AM on FEB 19

PROGRAM: 8:30 AM to 5:00 PM on FEB 19-20

### Overview of US Export Controls

- ▶ US Export Control Policy & Primary Regulations (ITAR/EAR/OFAC)
- ▶ Key Governing Agencies & ITAR Compliance Resources

### ITAR Controlled Activities

- ▶ ITAR Controlled Activities
- ▶ Technical Data Releases to Foreign Persons & Defense Services
- ▶ Temporary Imports, Reexports, Retransfers
- ▶ Prohibited Countries & Ineligible Parties

### ITAR Controlled Items (Exercises Workshop)

- ▶ Jurisdiction: ITAR vs. EAR; Definition of "Defense Article"
- ▶ The New US Munitions List
- ▶ ITAR "Specially Designed" and the Order of Review
- ▶ Special Classification Issues & Commodity Jurisdiction Determinations

### Technical Data

- ▶ ITAR Technical Data Export Definition
- ▶ Software Directly Related to Defense Articles
- ▶ Public Domain Issues

### Registration and Empowered Official Issues

- ▶ How to Register with the DDTC; Registration-Related Issues
- ▶ Considerations for Designating "Empowered Officials"

### ITAR License Exemptions (Exercises Workshop)

- ▶ What are Exemptions? / Excluded Items & Countries
- ▶ Public Shows; Temporary Exports/Imports Exemptions
- ▶ Technical Data Exemptions; Allies Maintenance Exemption
- ▶ Canada, UK & Australia Exemptions
- ▶ US Government Exemptions; Foreign Military Sales (FMS) Exemption

### ITAR Licenses

- ▶ Licenses vs. Agreements
- ▶ The Art of the License Application
- ▶ D-Trade / DSP-5 Applications
- ▶ Marketing Licenses & Foreign Person Employee Licenses
- ▶ License Amendments

### ITAR Agreements (Exercises Workshop)

- ▶ MLAs / TAAs / Warehouse & Distribution Agreements
- ▶ Agreement Application & Agreement Guidelines
- ▶ Drafting the Scope of Agreements
- ▶ Dual/Third Country National Employees
- ▶ Signatory vs. Sublicensee
- ▶ Technical Information
- ▶ Hardware in Furtherance of an Agreement
- ▶ Government Review Process & Checking License Status (ELISA)

### ITAR Administration, Documents & Shipping

- ▶ Shipping & Export Documentation
- ▶ Working with Agents: Freight Forwarders & Customs Brokers
- ▶ Temporary Licenses
- ▶ Federal Trade Regulations (FTR): Parties, Routed Transactions, Transaction Types
- ▶ AES: Filing Electronic Export Information (EI)
- ▶ Wait Times & AES Responses
- ▶ Schedule B & HTS Classification
- ▶ Technical Data License & Agreement Administration
- ▶ Certification Requirements, Reporting Requirements & Amendments

### ITAR Compliance Programs

- ▶ Building an Effective Compliance Program / Training
- ▶ Licensing vs. Compliance; Who is Responsible?
- ▶ Written Programs & Procedures / Recordkeeping Requirements
- ▶ Hand-Carried Shipments / Special Issues for Tech Data & Software

### Export Control Reform & Recent Developments

- ▶ ECR and Existing License/Agreement Transition Rules
- ▶ Categories VII, XV and XIX Further Changes
- ▶ Category XII Final Rule
- ▶ Changes to Important ITAR Definitions and Other Recent ITAR Developments
- ▶ Changes to Country Policies

### Special ITAR Issues (Exercises Workshop)

- ▶ Brokering: Requirements, Registration, Prior Approval & Reporting
- ▶ Political Contributions, Fees & Commissions
- ▶ Foreign Corrupt Practices Act

### ITAR Enforcement

- ▶ Enforcing Agencies: US Customs & Border Protection
- ▶ Enforcement Methods, Fines & Penalties
- ▶ What Constitutes an ITAR Violation?
- ▶ Personal Liability for Civil Penalties
- ▶ Subpoenas, Investigations & Voluntary Self-Disclosure Considerations
- ▶ Case Studies: Recent Enforcement & Audit Actions

## EAR & OFAC EXPORT CONTROLS

PROGRAM AGENDA: February 21-22, 2018

REGISTRATION: 8:00 AM on FEB 21

PROGRAM: 8:30 AM to 5:00 PM on FEB 21-22

### Introduction to the EAR

- ▶ US Export Control Policy & Primary Regulations (ITAR/EAR/OFAC)
- ▶ Roadmap to Parts of the EAR

### EAR Controlled Activities

- ▶ Controlled Items/Activities: Commodities, Software, Technology, Technical Data
- ▶ Exports, Reexports & In-country Transfers
- ▶ Non-US Origin Items Produced with US Origin Content or Technical Data
- ▶ Deemed Exports to Foreign Nationals
- ▶ Other Export Control Regulated Activities

### Jurisdiction & Classifications

- ▶ Jurisdiction: ITAR vs. EAR; Which Agency Has Authority?
- ▶ How To Classify an Item: Determining and Reading the ECCN
- ▶ Main Components of the CCL: EAR 99, 600-Series, Non-600-Series
- ▶ Order of Review: ECCN Classification
- ▶ "Specially Designed" Definition, Exclusions & Implications
- ▶ Requesting an Official Classification

### Technology & Software Classifications

- ▶ Determining ECCN for Technology & Software
- ▶ Definition of "Export" for Technology and Software
- ▶ Items Not Subject to the EAR: "Publicly Available"
- ▶ Fundamental Research / Educational Information / Patent Applications

### No License Required (NLR) (Exercises Workshop)

- ▶ NLR Determination
- ▶ Commerce Country Chart and Catch-All Control Analysis

### License Exceptions (Exercises Workshop)

- ▶ ECCN-based License Exceptions (STA, GBS, CIV, LVS, ENC)
- ▶ Situation-based License Exceptions (RPL, TMP, GOV)
- ▶ Restrictions on License Exceptions
- ▶ License Exceptions Issues for 600-Series and 9X515
- ▶ Technical Data & Software License Exceptions (TSU, TSR, ENC, TMP, CIV)
- ▶ Wassenaar Reporting

### End-Use & End-User Controls (Exercises Workshop)

- ▶ Prohibited Parties / Embargoed Countries / Proliferation Activities
- ▶ Military End-Use/User (China, Russia, Venezuela)
- ▶ Red Flags, EAR General Prohibitions & Antiboycott

### License Applications

- ▶ When and How to Make a License Application to BIS
- ▶ Special Support Documents & Requirements
- ▶ SNAP-R / Electronic Filing / License Review Process

### Export Clearance

- ▶ Foreign Trade Regulations (FTR) & Automated Export System (AES)
- ▶ Harmonized Tariff Schedule & Schedule B
- ▶ Export Documents & Shipping
- ▶ Special Requirements for 600-Series and 9X515
- ▶ Destination Control Statements
- ▶ Customs & Border Protection

### Compliance Programs

- ▶ Effective Compliance Plans & EMCP Core Elements (BIS)
- ▶ Resources: Where Can I Go for Help?
- ▶ Export Compliance Transaction Checklists & Automation
- ▶ Developing a Classification Matrix
- ▶ Areas of Frequent Compliance Breakdown

### Export Control Reform (ECR) & Recent Developments

- ▶ Understanding the New Approach to US Munitions List Categories
- ▶ The Most Recent USML to CCL List Shifts
- ▶ Existing License/Agreement Transition Rules
- ▶ Changes to Important EAR Definitions & Regulations
- ▶ Recent OFAC Updates: CAATSA Act, Cuba Sanctions
- ▶ Wassenaar & Missile Technology Control Regime Changes

### Reexports: When Do US Rules Apply Outside of the US?

- ▶ General Guidelines & Who is Responsible for Reexport Compliance
- ▶ Special Rules for 600-Series and 9X515 US Content
- ▶ Foreign-made Items Incorporating US Parts or Technology

### US Embargo Controls

- ▶ Embargoed Country Destinations
  - Cuba, Iran, Sudan, Syria, North Korea, Crimea
- ▶ Evolving Controls on Russia
- ▶ Transactions Subject to Embargo Controls

### EAR Export Enforcement

- ▶ Enforcement Fines, Penalties & Case Studies
- ▶ Subpoenas, Investigations & Voluntary Self-Disclosures
- ▶ Preventing and Coping with Violations

## SEMINAR INSTRUCTOR STAFF

Our instructors are widely respected experts in the field of export compliance with many years of experience in interpreting and applying the rules...ITAR, EAR & OFAC. Expect to leave these seminars with an in-depth understanding of what the current rules are and what you need to do to keep your company compliant.

**JOHN R. BLACK** is a Principal of BSG Consulting and has been involved in US export and trade control matters since 1984. He advises US and foreign companies, law firms, and governments on US export controls and has earned a reputation as one of the leading experts in the field. From 1984–88 he worked for the US Commerce Department where he wrote the Export Administration Regulations (EAR) and interpreted it for government and industry. He uses his comprehensive knowledge of the US rules that impact military and commercial companies to help his clients stay in compliance without missing legitimate business opportunities. He has been a featured speaker at hundreds of conferences around the world and has written numerous articles and several books on the subject.



**SCOTT M. GEARTY** is a Principal of BSG Consulting, bringing over a decade of consulting, training, and corporate export compliance program management experience to bear for his clients. Mr. Gearity has substantial experience in military, dual-use, and commercial export controls. His clients have ranged in size from small start-ups to some of the world's largest companies, with a particular focus on the information technology, telecommunications, networking, and software industries. Mr. Gearity joined BSG from Microsoft Corporation, where he was based in Ireland and managed the company's export compliance program for Europe, the Middle East, and Africa. Mr. Gearity holds a Bachelor of Arts degree in International Studies and Economics from American University. He is a licensed US Customs Broker.



**GREGORY CREESER** is a partner with International Trade Compliance Strategies and a consultant to BSG Consulting. Prior to joining ITC Strategies as a compliance consultant, Mr. Creeser held the position of Corporate Director for International Trade Compliance with Goodrich Corporation's Washington Operations Office. Mr. Creeser began his career in the export arena by serving for two years as a licensing officer within the Office of Defense Trade Controls at the Department of State. Mr. Creeser was the President of the Board of Directors of the Society for International Affairs (SIA) from 2004-2006. He also held the positions of Vice President, Communications Director, and Conferences Director for SIA. Mr. Creeser received his Bachelor of Science degree in Political Science and Economics from Texas A&M University in 1987.



**MARC BINDER** is a partner with ITC Strategies. Prior to joining ITC Strategies, Marc was the Director of Customs Compliance for Goodrich Corporation where he was responsible for managing the Corporate Customs Compliance program. Prior to that, Marc held trade compliance management positions at TRW and Lockheed Martin – Government Electronics Systems. Marc is a former two term member of the Department of Commerce Regulations and Procedures Technical Advisory Committee (RP-TAC) and a former three term member of the Department of State, Defense Trade Advisory Group (DTAG). Marc is a member of the Board of Directors of the Society for International Affairs (SIA) where he is a Director of Planning and Education. Marc is a licensed Customs Broker and is certified in the field of Hazardous Materials Transportation. Marc holds a bachelor's degree from Villanova University and has graduated from the Wharton Management Program, University of Pennsylvania.



**MELISSA PROCTOR**, founder of Miller Proctor Law PLLC in Scottsdale, Arizona, has been advising Fortune 500 companies, small and medium-sized companies, and startups on the full range of issues involving international trade (i.e., export controls, embargoes and economic sanctions, customs laws, anti-corruption compliance and other government regulations) for over 20 years. Melissa focuses her export practice on the Export Administration Regulations (EAR), International Traffic in Arms Regulations (ITAR), Foreign Assets Control Regulations, and the Foreign Trade Regulations. In terms of her import practice, she advises clients on a wide variety of import and customs compliance issues. Previously, Melissa worked for two international trade boutique law firms and KPMG, served as Senior Corporate Counsel-Compliance for Amazon, and was a Shareholder at the law firm of Polsinelli P.C. Melissa holds an LL.M. in International and Comparative Law from the Georgetown University Law Center, a J.D. from Valparaiso University School of Law, and a B.A. in Spanish and Russian from Indiana University.



**STEPHEN WAGNER** is a senior attorney with Fuerst Ittleman David & Joseph, PL. He practices primarily in the area of international business transactions, representing clients with trade and customs issues as well as corporate law matters. Mr. Wagner applies his proven experience in the international arena to resolve effectively and efficiently his clients' legal issues with respect to import and export compliance and enforcement matters. He regularly represents clients in administrative and civil matters and proceedings before US Customs and Border Protection (CBP), US Immigration and Customs Enforcement (ICE), the Department of Homeland Security (DHS), and the US Government's export control agencies such as the Bureau of Industry and Security (BIS), the US State Department's Directorate of Defense Trade Controls (DDTC), and the Office of Foreign Assets Controls (OFAC).



# Seminar Registration Form



**HUNTSVILLE 2018** *ITAR DEFENSE TRADE CONTROLS / EAR EXPORT CONTROLS SEMINAR SERIES*  
EMBASSY SUITES HUNTSVILLE HOTEL & SPA, 800 Monroe Street, Huntsville, AL 35801 USA

## Hotel Reservations

A limited block of guest rooms at the venue hotel is reserved for the seminar. They are available on a first-come, first-served basis. Limited number of rooms - **book early to ensure availability!**

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800 Monroe Street  
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### TO MAKE RESERVATIONS:

Call (256) 539-7373 and mention Export Compliance Training Institute Group.

GROUP RESERVATION CUT-OFF DATE: Jan 26, 2018

GUEST ROOM RATE: \$129/night standard

## PROGRAM FORMAT

► **Training materials**, containing annotated copies of the slides used by the instructors, are provided to all participants. Case studies are included. Questions are welcomed throughout the presentations. Instructors will be available before and after the presentations to discuss specific questions or issues.

► A **certificate** of completion is issued to each attendee.

► **Dress code** is business casual.

► A light **breakfast**, beverages, snacks, and **lunch** will be served each day.

► These seminars are pre-approved for **CLE** Credits in the states of CA, VA, TX, and FL.

FOR DETAILS GO TO:

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► Export Compliance Professional (**ECOP™**) **Accreditation testing** is available on both ITAR & EAR. This accreditation is documentation of the ability to correctly apply the regulations in real-life scenarios.

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► We provide **discounts** for multiple attendees from the same company, government employees, and companies participating in our Corporate Partnership Program. All discounts must be arranged prior to the seminar date. Contact us for details.

## Fax or mail this form to:

Jessica Lemon  
Fax: +1 540 433 3978

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## QUESTIONS?

Tel: +1 540 433 3977

Email: [jessica@learnexportcompliance.com](mailto:jessica@learnexportcompliance.com)

## ATTENDEE INFORMATION

Attendee's First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

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**ITAR Defense Trade Controls Seminar** (FEB 19-20, 2018) ~~-\$1175.00~~ \$1057.50

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Seminar Training Manual:

Printed manual **INCLUDED** with registration **NO CHARGE**

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See [learnexportcompliance.com/accreditation](http://learnexportcompliance.com/accreditation) for details

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I would like to receive a list of seminar participants/contact information for this event and agree to have my name and contact information included on that list.

YES  NO

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**Hotel:** The cost of accommodation is not included in the tuition. To book the hotel, please see instructions in left-hand column.