



32nd Annual Executive Seminar Series on International Trade

**Massachusetts Small Business Development Center Network
Massachusetts Export Center**

presents



Spring 2022

Partners for Trade

Seminar and Registration Guide

Corporate Sponsor



In Collaboration With

U.S. Small Business Administration | MA Office of Business Development
Isenberg School of Management | University of Massachusetts Amherst
MassDevelopment | Massachusetts Office of International Trade & Investment
U.S. Department of Commerce

All events held
virtually



Charles D. Baker, Jr.
Massachusetts Governor

The Massachusetts Export Center is committed to helping the state's businesses succeed in today's global marketplace.

*The world is your market.
Take the next step.
Join us as a partner for trade.*



Robert H. Nelson
SBA District Director



Register online at www.mass.gov/export



reregistration is required for all events. **Payment** via credit card is due at the time of registration.

Cancellation/Refund Policy: If you cancel your registration at least 48 hours prior to the event, you will be entitled to a refund minus a \$10 processing fee. No refund will be given on notifications received after that time or in any no-show situation. All cancellation and refund requests must be submitted via email to pft@msbdc.umass.edu. The Export Center reserves the right to cancel or reschedule a seminar due to insufficient enrollment or other circumstances. In the case of cancellation, registration fees will be refunded.

No Shows: Due to the costs we incur as a result of people who register for seminars and do not attend, the Massachusetts Export Center will bill unpaid registrants for the full cost of the event unless cancelled 48 hours in advance of the event. Credit cards will not be refunded in any no-show situation.



UMassAmherst

Isenberg School
of Management

POWERED BY



U.S. Small Business
Administration

Table of Contents

Training Calendar	1
Program Descriptions	2-10
Compliance Alliance	11
Partners and Cosponsors	12

The MSBDC is partially funded by the U.S. Small Business Administration and the Massachusetts Office of Business Development under cooperative agreement SBAHQ22B0009 through the University of Massachusetts Amherst. SBDCs are a program supported by the U.S. Small Business Administration and extended to the public on a nondiscriminatory basis. SBA cannot endorse any products, opinions or services of any external parties or activities. By contacting our office and requesting at least two weeks in advance, every attempt will be made to reasonably accommodate persons with disabilities and those who need translation services. Contact the Massachusetts Export Center at 617-973-6610. ©Copyright 2022



PARTNERS FOR TRADE CALENDAR

MARCH

- 16 Russia Sanctions & Export Controls Update 2
- 31 2022 HTS Changes & HTS Classification Review 3

APRIL

- 8 Managing Trade Compliance when Doing Business with Distributors..... 4
- 13 New License Exception ACE and License Exception Update..... 5
- 27 Building an End-User Statement that Meets Your Specific Needs 6

MAY

- 4 Export Distribution Contracts & Managing Your Distributor Network 7

JUNE

- 7 Armor Up Your Export Docs 8
- 16 Fundamentals of ITAR..... 9
- 22 5th U.S.-UK Small and Medium Enterprise Dialogue (Boston) 10

Until further notice, training is offered virtually (with the exception of the June 22 event). Although accurate at press time, webinars may be added, rescheduled or cancelled.

For the most up-to-date information, please visit our website at www.mass.gov/export.

Special thanks to our Spring 2022 Training Sponsor



Program Descriptions

Russia Sanctions & Export Controls Update

In response to Russia's invasion of Ukraine, the U.S., its partners and allies have unveiled severe sanctions targeting key Russian financial institutions, influential individuals and critical sectors, including defense and energy. The U.S. has also implemented stiff controls on U.S. exports to Russia, including licensing requirements with a policy denial for many export-controlled items, an expansion of the Military End Use rule for all items subject to the Export Administration Regulations (including EAR99 items), expansion of the de minimis rule and the addition of two new foreign direct product rules, significantly expanding the scope of controls on foreign-made items destined for Russia. Additionally, sanctioned Russian banks and financial institutions have been disconnected from the SWIFT international payment messaging system, making it harder for them to process international transactions. These actions are expected to have a profound impact on Russia's financial system, economy, and access to critical technology. Related sanctions have also been announced targeting Russia's activities in the Donetsk and Luhansk regions of Ukraine, as well as Belarus.

Despite the recent regulatory action, the reality is that U.S. sanctions and export controls targeting Russia have been steadily increasing for years already, and due to the rules governing these controls, compliance can be particularly challenging. This webinar will discuss the new sanctions and export controls targeting Russia and will also address ongoing implementation of list-based sanctions as they relate to Russia, including rules for compliance. The webinar will also address Russian sectoral sanctions, controls on foreign produced items incorporating U.S. technology, end use and end user restrictions, and more. Finally, the webinar will also provide guidance on screening and due diligence best practices, and contingency planning for U.S. firms doing business in Russia.

Our speakers will be:

- Marwa Hassoun, Partner — ArentFox Schiff LLP
- Matthew Tuchband, Counsel — ArentFox Schiff LLP and former Deputy Chief Counsel, U.S. Department of Treasury Office of Foreign Assets Control (OFAC)

Date: Wednesday, March 16, 2022

Time: 12:00 – 1:30 p.m. EDT

Location: Online

Cost: No charge

2022 HTS Changes & HTS Classification Review

Established by the World Customs Organization, the Harmonized Tariff System (HTS) is used by Customs authorities in 183 countries to apply duties on imported goods. While the HTS is updated every five years, the changes made in 2022 are significant, addressing the environment, health & safety, terrorism & dual use items, technology, and changing trade patterns.

Join us as we discuss the recent HTS changes and their impact for exporting businesses. Trade & Customs advisors from KPMG will also review the classification process and best practices for an accurate determination.

Speakers include:

- James Mulvehill, Managing Director, Trade & Customs — KPMG
- Noemi Santana, Manager, Global Trade & Customs Group — KPMG
- Danielle Origlio, Senior Associate, Trade & Customs — KPMG

Date: March 31, 2022

Time: 12:00 - 1:30 p.m. EDT

Location: Online

Cost: \$25 / no charge for Compliance Alliance members



Managing Trade Compliance when Doing Business with Distributors

Most U.S. businesses use distributors or sales representatives to generate sales and provide important support services in export markets. And while distributors serve as critical channel partners, the distributor model can sometimes make compliance with U.S. export regulations even more challenging. The distributor model is indeed incongruent with the increasing emphasis on end use and end user due diligence, for example.

This webinar will review important practices for managing trade compliance when doing business with distributors, such as provision of training, sharing of screening responsibilities, auditing practices, and more. The webinar will also provide guidance on determining when to escalate end use and end user due diligence efforts, along with tools to aid in those efforts, such as end user statements and letters of assurance. Finally, the webinar will also discuss other compliance safeguards, such as inclusion of trade compliance provisions in distributor contracts, for example.

Join us for insight on maintaining a productive relationship with distributors while also sustaining export compliance integrity.

Our speaker will be Kerry Scarlott, Founding Partner of NorthStar Law.

Date: Friday, April 8, 2022

Time: 12:00 – 1:00 p.m. EDT

Location: Online

Cost: \$25 / no charge for Compliance Alliance members



New License Exception ACE and License Exception Update

Recently, the Bureau of Industry and Security (BIS) introduced License Exception Authorized Cybersecurity Exports (ACE) that allows the export, re-export and in-country transfer of cybersecurity items to most destinations, while retaining a license requirement for exports to countries of national security concern. BIS has also recently changed usage of other license exceptions, such as retirement of License Exception Civilian End Users (CIV).

Understanding how and when to use license exceptions can help exporters to reduce paperwork and streamline the exporting process, facilitating foreign sales of items and technology controlled under EAR.

Join us to learn about the new License Exception ACE as well as other major export license exceptions, including appropriate use, and applicable conditions for each.

Speakers include:

- Phillip Poland, Of Counsel — LimNexus LLP
- Nicholas Roegner, Of Counsel — LimNexus LLP

Date: Wednesday, April 13, 2022

Time: 12:00 - 1:00 p.m. EDT

Location: Online

Cost: \$25 / no charge for Compliance Alliance members



Building an End-User Statement that Meets Your Specific Needs

In recent years, there has been an ever-increasing emphasis on end-use and end-user due diligence for effective management of global trade compliance. Restricted end-uses, explosive growth in list-based sanctions, broadening military end-use/user rules, and potential diversion of products are just a few reasons why end-use/user due diligence is critical. While there are some government-issued forms available, such as the BIS-711 and DDTC DSP-83 forms, these documents have limitations and do not always collect all of the information an exporter may need to properly vet a customer or other party to a transaction. Many exporters will find that they need to customize their own data collection instruments to meet their specific needs and address their products and unique risks.

This webinar will discuss the factors that should be considered when building, customizing, and implementing an end-user/use statement, including: compliance risk assessment; data elements to include; when and how to deploy the statement; screening issues; and other due diligence practices.

Join us for this practical program that will help you to build a useful and necessary resource for your trade compliance operations.

Speakers include:

- Kevin Cuddy, Government & Regulatory Affairs Executive, Export Regulation Office — IBM, Washington, DC
- Douglas Jacobson — Jacobson Burton Kelley PLLC, Washington, DC

Date: Wednesday, April 27, 2022

Time: 12:00 - 1:30 p.m. EDT

Location: Online

Cost: \$25 / no charge for Compliance Alliance members

Export Distribution Contracts & Managing Your Distributor Network

Many exporters rely heavily on partners, such as distributors or agents, to generate sales in overseas markets. For exporters, effectively negotiating and structuring contracts with these partners is critical for achieving profits and growth while minimizing confusion, disputes and poor performance in overseas markets. Equally important is the effective management of these partners to ensure that they are striving to maintain market share for your products while remaining compliant with U.S. export regulations.

How do you achieve a win-win agreement and a solid relationship with your overseas partners? When should exclusivity be used as a motivational tool? What can exporters do to protect themselves in relationships with underperforming partners? And importantly, how do exporters discuss the need for their partners' compliance with U.S. export regulations when they are not in the U.S.?

Join us to learn the answers to these questions and more. This webinar will provide guidance for negotiating and structuring contracts with overseas partners, while ensuring that the best interests of the exporter are protected.

Specific topics will include essential contract elements such as performance requirements, IP considerations, exclusivity, dispute resolutions and more. Additionally, our speakers will discuss best practices for the effective management of distribution networks to ensure that performance goals and regulatory compliance are met.

Speakers include:

- Anthony Mirenda, Partner, Co-Chair, White Collar Crime & Government Investigations — Foley Hoag LLP
- David Renaud, Counsel — Foley Hoag LLP

Date: Wednesday, May 4, 2022

Time: 12:00 - 1:30 p.m. EDT

Location: Online

Cost: No charge

Armor Up Your Export Docs

Exporting businesses are often exposed to shipping delays, storage fees and potential penalties due to incomplete or inaccurate export documentation. Even for experienced exporters, documentary requirements for international trade can be a confusing and ever-changing tangle of papers, forms and regulations.

Arm yourself with information. This practical webinar will walk participants through the process of completing major export documents, such as Commercial Invoices, Certificates/Certification of Origin and Electronic Export Information (EEI) among others. The program will also discuss the use of the Destination Control Statement, and other details and annotations that should be included on your documentation, which will be the Teflon needed to facilitate smooth Customs clearance.

Speakers include:

- Robert Stein, Senior Vice President — Mohawk Global Trade Advisors
- Jim Trubits, Vice President — Mohawk Global

Date: Tuesday, June 7, 2022

Time: 12:00 - 2:00 p.m. EDT

Location: Online

Cost: \$25 / no charge for Compliance Alliance members



Fundamentals of ITAR

Despite the Export Control Reform initiative, many exporters still find themselves subject to the International Traffic in Arms Regulations (ITAR), a complex set of export controls administered and enforced by the State Department. The ITAR affects companies that manufacture and/or export defense-related goods or services found on the U.S. Munitions List (USML).

This webinar will provide an introduction to the ITAR and discuss topics such as jurisdiction, classification, registration with the State Department, licensing, agreements, proscribed countries and entities, export clearance, recordkeeping and penalties under the ITAR.

In addition, we will briefly discuss the proposed ITAR rule that will clarify the definitions of export and re-export, revise certain exemptions and correct administrative errors in the voluntary disclosures section. The new rule will be effective September 6, 2022.

The speaker will be Jeanette Reed, President and CEO of Evolutions in Business.

Date: Thursday, June 16, 2022

Time: 12:00 – 1:00 p.m. EDT

Location: Online

Cost: \$25 / no charge for Compliance Alliance members



5th U.S.—UK Small and Medium Enterprise (SME) Dialogue

Small business stakeholders are cordially invited to attend the 5th United States-United Kingdom Small and Medium Enterprise (SME) Dialogue.



The SME Dialogue is convened by the Office of the U.S. Trade Representative, the U.S. Department of Commerce, and the U.S. Small Business Administration with the UK Department for International Trade, and the UK Department for Business, Energy and Industrial Strategy.

At the U.S.-UK Dialogues on the Future of Atlantic Trade held in Baltimore, Maryland and Aberdeen, Scotland in March and April 2022, U.S. Trade Representative Ambassador Katherine Tai and United Kingdom Secretary of State for International Trade Anne-Marie Trevelyan committed to reestablish the U.S.-UK SME Dialogue to continue to bring together SMEs from both sides of the Atlantic to identify ways to further support trade and investment.

The 5th U.S.-UK SME Dialogue in Boston is co-hosted with the U.S. Commercial Service/U.S. Department of Commerce in Boston, the Massachusetts Export Center/Massachusetts Small Business Development Center Network, the British Embassy, and the UK Consulate in Boston.

Topics for discussion include an update on U.S.-UK trade; opportunities for U.S.-UK SME trade and cooperation in emerging technologies; global expansion best practices for U.S. and UK companies; access to capital for SME global expansion; and trade resources for small businesses. Attendees will be able to engage in discussion with experts as well as learn about tools and resources to grow their businesses internationally.

Established in 2018 in Washington, D.C. and London, and convening subsequently in New York City and Bristol, the SME Dialogue is an ongoing exchange bringing small and medium businesses and stakeholders on both sides of the Atlantic together with government officials to identify ways to deepen U.S.-UK trade and investment ties and strengthen cooperation on issues of mutual interest to SMEs. Trade between the two countries is about \$230 billion per year, and together there is around \$1 trillion invested in each other's economies.

Speakers include:

- Ambassador Jayme White, Deputy U.S. Trade Representative
- Gabriel Esparza, Associate Administrator for International Trade - SBA
- Emma Wade-Smith, Her Majesty's Trade Commissioner for North America

Additional speakers will be announced soon.

This invitation is for SME stakeholders from the United States and United Kingdom only. RSVPs are accepted on a first-come, first-serve space available basis. Light breakfast and lunch will be provided. The location of the meeting and a detailed agenda will be provided to registered participants closer to the date of the event.

Date: Wednesday, June 22, 2022

Time: 8:00 a.m. - 2:00 p.m. EDT

Location: TBA (near North Station), Boston, MA

Cost: No charge



The Compliance Alliance is a special initiative of the Massachusetts Export Center designed to help the state's businesses enhance their export compliance and global trade competitiveness.

The Compliance Alliance provides a forum for exporting firms to network, share best practices and stay current on export regulatory compliance issues.

Membership benefits include:

Conferences and seminars - In-depth training across a broad range of export regulatory compliance and operational issues. Speakers include exporters, law firms, consulting firms and representatives from government export regulatory authorities. Compliance Alliance members receive special discounts at compliance-related conferences and training programs.

Online Resources - Member directory access so you can connect with other members of the Compliance Alliance; Export compliance resource library and databank that includes content provided by members; and a Job Board where members can access and post job listings for local positions related to international regulatory compliance, export/import operations and other positions related to global trade.

www.mass.gov/export/compliance

Partners and Cosponsors

The **Massachusetts Export Center** (www.mass.gov/export), part of the Massachusetts Small Business Development Center Network, recognizes the need to make export services easily accessible to companies of all sizes, and it serves as the state's one-stop resource for export assistance.



The Massachusetts Export Center offers a wide range of targeted, customized services to Massachusetts businesses at any stage in the export process. Whether you are a small business just thinking about exporting or an experienced exporter, the Massachusetts Export Center stands ready to help with services suited to your needs. Massachusetts companies can learn more about the Massachusetts Export Center by visiting our website.

The **Massachusetts Small Business Development Center Network** (www.msdbc.org), through the **Massachusetts Export Center**, offers small to medium sized Massachusetts companies business advice on assessing export opportunities,



market research analysis and educational programs through the *Partners for Trade* executive seminar series. Assistance includes counseling on the elements of an international business plan, assisting in the development of an international marketing strategy, providing market research reports and trade leads, publishing various export guides and organizing a variety of export training programs. International trade advising services are available statewide.



The **Massachusetts Office of Business Development** works with the business community to help create, retain and attract jobs throughout the Commonwealth by offering programs that stimulate economic growth and development. The office is committed to working directly with the business community to make Massachusetts an even better place to do business.

MassDevelopment provides financial tools and real estate expertise to stimulate economic growth across the state of Massachusetts by providing real estate development and financial services through its four core lines of business: Real Estate Development, Investment Banking, Economic Development Lending and Community Development. The agency's lines of business are designed to support a project at any stage — from concept to development.

The **Massachusetts Office of International Trade & Investment** carries out the following international economic activities: attracting foreign companies to invest in Massachusetts; handling foreign protocol; and focused export promotion through international trade show participation.

The **U.S. Export Assistance Center** offers a full range of federal export programs and services under one roof, including counseling, market research, trade contact facilitation, international trade promotion events, and trade finance through the Export Working Capital Loan Guarantee Program. The U.S. Export Assistance Center combines the export marketing resources of the **U.S. Department of Commerce** and the export finance resources of the U.S. Small Business Administration.

The **U.S. Small Business Administration** is dedicated to providing quality, customer-oriented, full-service programs and accurate, timely information to the entrepreneurial community. SBA offers a number of export information assistance programs such as counseling, marketing research, publications and workshops. SBA also offers financial assistance through the regular business loan and the Export Working Capital Program.

The Massachusetts Small Business Development Center (MSBDC) Network provides free, high quality, one-to-one management and technical business advice and educational programs at a reasonable cost to potential and existing small business entrepreneurs throughout the Commonwealth.



The MSBDC has three integrated product lines: business advisory services, international trade assistance and government contracting/SBIR.

Successful entrepreneurs continually seek ways to improve the management and operation of their business, often seeking outside advice to help with particular challenges. Studies consistently show that Massachusetts citizens receive a strong return on their investment by utilizing the services of the MSBDC Network. MSBDC clients outperform other businesses in the state in average sales and job growth.

The MSBDC is a partnership of the U.S. Small Business Administration, the Massachusetts Office of Business Development, and a consortium of higher educational institutions led by the Isenberg School of Management at the University of Massachusetts Amherst, and including Clark University and Salem State University.

State Office413-545-6301

Business Advising Centers

- Berkshire Regional Office413-499-0933
- Central Regional Office508-793-7615
- Government Sales Advisory Program508-870-3193
- Massachusetts Export Center 617-973-6610
- Northeast Regional Office978-542-6343
- Procurement Technical Assistance Center413-545-6303
- SBIR Program774-203-9972
- Southeast Regional Office508-673-9783
- Western Regional Office413-577-1768

Visit our website at www.msdbc.org



Recognizing the need to make export services easily accessible to companies of all sizes, the Massachusetts Export Center serves as the state's complete resource for export assistance.

The Massachusetts Export Center offers a wide range of targeted, customized services to Massachusetts businesses at any stage in the export process. Whether you are a small business just thinking about exporting or an experienced exporter, the Massachusetts Export Center stands ready to help with services suited to your needs.

For further information, visit our website at **www.mass.gov/export**.



@MAExportCenter

University of Massachusetts
MSBDC Network
23 Tillson Farm Road
Amherst, MA 01003-9346

NON PROFIT ORG
U.S. POSTAGE
PAID
AMHERST, MA
PERMIT NO. 2