5th Advanced Forum on

OFAC

ENFORCEMENT & COMPLIANCE

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Keynote Speakers from the U.S. and UK:

- Adam J. Szabir, Director
  Office of Foreign Assets Control
- Michael Down, Deputy Director, Sanctions and Illicit Finance Team, HM Treasury (London)

First-Hand Insights from the Office of Foreign Assets Control:

- Jonathan Thomas, Chief, Regulated Industries Oversight & Evaluation
- Alexandre Mansfield, Chief, Blocked Assets Administration and Analysis
- Charles M. Steele, Assistant Director for Enforcement
- Lorraine B. Lawlor, Chief of Compliance Outreach
- Dennis Wood, Assistant Director, Sanctions Compliance & Evaluation
- Andrea Gacki, Assistant Director for Licensing

Enforcement, Prosecution and Penalty Updates:

- Steven W. Pelak, National Export Coordinator, U.S. Department of Justice
- Polly Greenberg, Deputy Bureau Chief
  Major Economic Crimes Bureau
  New York County District Attorney’s Office
- Sean O’Malley, Vice President and Deputy Chief Investigator for Enforcement
  Federal Reserve Bank of New York

CISADA and Other Key Policy Developments:

- Linda Specht, Director, Office of Terrorism Finance and Economic Sanctions Policy, U.S. Department of State

Key Financial Agency Perspectives:

- Indira Curn, BSA/AML Compliance Specialist
  Office of the Comptroller of the Currency
- Beverly Jules, Supervising Examiner
  Federal Reserve Bank of New York

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This highly sophisticated, flagship conference will discuss how to address the most complex, hot button sanctions enforcement risks impacting global financial, insurance and export transactions. New sessions and features for 2012 include:

- Enhanced focus on enforcement and prosecutions against financial institutions, exporters and individuals: Updates on inter-agency cooperation, priorities, investigations, penalties and settlements
- The latest OFAC and State Department Iran sanctions policy initiatives, and compliance requirements for U.S. and foreign financial institutions, insurers, petroleum and other exporters
- U.S. and UK perspectives on how to integrate EU sanctions into your global sanctions compliance program
- The aftermath of Libya and lessons learned on emergency sanctions implementation
- How to comply with evolving U.S. sanctions against Syria, Burma/Myanmar and Sudan
- Implementing remedial measures after a sanctions investigation: How to tighten policies and restore confidence
- Minimizing OFAC licensing delays and license denials under existing and new sanctions programs

SPECIAL Q & A PANEL: Ask OFAC, OCC and the Federal Reserve Bank of New York about their sanctions compliance expectations

Interactive Working Groups – April 24, 2012:

A A Deep Dive into OFAC and EU Screening, Re-Screening and List Management: How to Implement Sanctions, Data Protection and Privacy Law Restrictions
B Conducting Effective Internal Investigations in the U.S. and Abroad: Refining Your Approach to Addressing Sanctions-Specific Risks and Conflict of Laws

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Now in its fifth successful year, American Conference Institute's Advanced Forum on OFAC Compliance and Enforcement is widely regarded as the premier benchmarking and networking event for sanctions professionals. This advanced, flagship conference focuses on the most complex, hot button issues that impact global financial, insurance and export transactions.

Big ticket settlements, including JPMorgan, Flowerserve, Credit Suisse, Lloyds and Barclays Bank demonstrate the potentially heavy price tag associated with U.S. sanctions violations, as well as the U.S. government's resolve to aggressively prosecute OFAC violations. Such enforcement activity will undoubtedly continue and underscores the importance of strengthening internal risk-based sanctions compliance programs.

Amid evolving sanctions against Iran, Syria and other regimes, and strict EU sanctions, U.S. and foreign entities with global operations face unprecedented enforcement risks.

The highly sophisticated 2012 agenda is fully updated, featuring a new expert speaker line-up of senior government officials, industry professionals and private practice experts.

New 2012 OFAC and HM Treasury (UK) Keynote Addresses:
- Adam J. Szubin, Director, OFAC
- Mikael Down, Deputy Director, Sanctions and Illicit Finance Team, HM Treasury (London)

First-Hand Insights and Q & A with Senior OFAC Officials:
- Jonathan Thomas, Chief, Regulated Industries Oversight & Evaluation
- Alexandre Manfull, Chief, Blocked Assets Administration and Analysis
- Lorraine B. Lawlor, Chief of Compliance Outreach
- Michael Geffroy, Assistant Director for Enforcement
- Dennis Wood, Assistant Director, Sanctions Compliance & Evaluation
- Andrea Gacki, Assistant Director for Licensing

Hear from the State Department on CISADA and Other Policy Updates:
- Linda Specht, Director, Office of Terrorism Finance and Economic Sanctions Policy, U.S. Department of State
- Sean O'Malley, Vice President and Deputy Chief Investigator for Enforcement, Federal Reserve Bank of New York
- Steven W. Pelak, National Export Coordinator, U.S. Department of Justice
- Adam Kaufmann, Executive Assistant District Attorney, Chief of the Investigation Division, The New York County District Attorney's Office
- Indira Crum, BSA/AML Compliance Specialist, Office of the Comptroller of the Currency
- Beverly Jules, Supervising Examiner, Federal Reserve Bank of New York

Based on the past success of this event, seats are expected to sell out. Register now by calling 1-888-224-2480; faxing your registration form to 1-877-927-1563; or registering online at www.americanconference.com/OFAC

Senior sanctions professionals attend this event to benefit from invaluable networking, benchmarking and CLE:

"ACI events, like this OFAC Forum, provide a valuable service in bringing together government and industry speakers to share requirements, insights and business practices. Excellent networking event."
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OFAC and EU Screening Working Group
9:00 a.m.-12:30 p.m.

A Deep Dive into OFAC and EU Screening, Re-Screening and List Management: How to Implement Sanctions, Data Protection and Privacy Law Restrictions

Alexandre Manfull
Chief, Blocked Assets Administration and Analysis
Office of Foreign Assets Control
U.S. Department of the Treasury (Washington, DC)

Molly McLane
Global Economic Sanctions Counsel
Morgan Stanley (New York, NY)

Lisa Palluconi
Counsel, Government Programs
IBM Corporation (Washington, DC)

Scott M. Flicker
Partner
Paul Hastings LLP (Washington, DC)

Amid evolving OFAC and EU sanctions, conflicting foreign data protection and privacy laws, and multiple SDN and EU lists, it has become increasingly complex to ensure effective global screening, risk assessment and mitigation. This practical, in-depth working session will take you through the ins and outs of ensuring successful global list management, and incorporating both OFAC and foreign laws and regulatory restrictions into your overall global screening program.

Attendees will have an invaluable opportunity to ask OFAC directly about their compliance expectations, and hear industry best practices on how to strengthen your approach to global screening and re-screening in 2012 and beyond.

Topics will include:
- Integrating SDN and State Department designations into your filtering system
- Reconciling OFAC screening requirements with EU data privacy laws: When EU data privacy authorities will grant waivers and allow for the use of exceptions
- Who, what and how often to screen amid tightened EU sanctions, including beneficial owners and corporate board members
- Key elements of EU data protection and privacy law restrictions
- Screening against the UK private list
- Applying data protection laws in Germany, Norway, Sweden: When you can/cannot screen against OFAC lists in these countries
- Do’s and don’ts for effective list management
- When and how to re-screen
- Blending US and EU lists
- Ensuring good end-user screening
- How far to go in vetting a party
- Conducting risk assessments to ensure good filtering systems: Different considerations for big vs. small financial institutions

Internal Investigations Working Group
1:30 p.m.-5:00 p.m.

Conducting Effective Internal Investigations in the U.S. and Abroad: Refining Your Approach to Addressing Sanctions-Specific Risks and Conflict of Laws

Alba J Rovira-Paoli
Senior Vice President, Regulatory Compliance
Global Sanctions Compliance
Citigroup Inc. (New York, NY)

Joshua Holzer
Chief Compliance Counsel for Global Trade
Pfizer Inc. (New York, NY)

Meredith Rathbone
Partner
Steptoe & Johnson LLP (Washington, DC)

Corporations and individual directors, officers, and employees can face substantial criminal and civil liability when suspected or actual OFAC violations, internal investigations or voluntary disclosures are mishandled.

This interactive and practical workshop will provide a detailed look at how to conduct internal investigations involving possible OFAC violations – best practices and proven strategies for conducting effective investigations, significant legal and factual issues you need to address, as well as common pitfalls to avoid. With practical discussion, exercises, and valuable speaker-prepared reference materials, you will take away valuable tools that can be applied to your work. Issues to be covered will include:
- Deciding whether and when to investigate, and to what degree
- Who should conduct the investigation: Roles of in-house compliance and legal groups vs. outside counsel and forensic accountants
- How an OFAC-related investigation differs from an AML investigation
- Working with IT and other internal departments: Communicating and executing comprehensive requests to technical groups
- Conducting an internal investigation involving a foreign subsidiary or affiliate
  - reconciling investigative objectives with foreign privacy laws and blocking statutes
  - collecting and preserving documents in and outside of the US
- When to call OFAC, and when OFAC will take over the investigation
- Investigative findings: Resolving a legitimate hit with OFAC
- When and how to do a voluntary disclosure
- Identifying and implementing remedial measures, including tightened systems and targeted training
- Preparing for the investigation: Defining the role of senior management during the investigation, and preparing company officials for interviews
- Protecting attorney-client privilege: When and how to assert privilege

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Wednesday, April 25, 2012

8:00 Registration and Continental Breakfast

8:30 Opening Remarks from the Conference Co-Chairs

Stephen J. Shine
Chief Regulatory Counsel
Prudential Financial (Newark, NY)

John Reynolds
Partner
Davis Polk & Wardwell LLP (Washington, DC)

8:45 Keynote Address

Adam J. Szubin
Director, Office of Foreign Assets Control
U.S. Department of the Treasury (Washington, DC)


Linda Specht
Director, Office of Terrorism Finance and Economic Sanctions Policy
U.S. Department of State (Washington, DC)

Dennis Wood
Assistant Director, Sanctions Compliance & Evaluation Office of Foreign Assets Control
U.S. Department of the Treasury (Washington, DC)

Jamie Boucher - Panel Moderator
Partner
Skadden, Arps, Slate, Meagher & Flom LLP (Washington, DC)

- How the agencies are applying CISADA to US and non-US financial institutions, insurers, reinsurers and exporters, and their subsidiaries and affiliates: Activities and “investments” that are captured
- The latest State Department policy initiatives, and designations under CISADA, SDN additions, and their interplay
- How the National Defense Authorization Act for Fiscal Year 2012 (section 1253) is being implemented
- How OFAC and the State Department apply CISADA to companies investing in the Iran petroleum sector vs. companies outside the petroleum sector
- When a parent company can be liable for foreign subsidiary/affiliate sanctions violations: How OFAC assesses when a parent “knew or should have known” of an attempted or actual violation
- What has triggered penalties, denial of banking privileges or foreign exchange transactions, and asset freezing
- Complying with the Iranian Financial Sanctions Regulations and applicable exceptions
- Scope of non-U.S. entity liability risks for attenuated connections with Iran

10:30 Networking Coffee Break

FOCUS ON SANCTIONS ENFORCEMENT

10:45 Enforcement Against Regulated Financial Institutions

Jonathan Thomas
Chief, Regulated Industries Oversight & Evaluation Office of Foreign Assets Control
U.S. Department of the Treasury (Washington, DC)

Polly Greenberg
Deputy Bureau Chief
Major Economic Crimes Bureau
New York County District Attorney’s Office
(New York, NY)

Sean O’Malley
Vice President and Deputy Chief Investigator for Enforcement
Federal Reserve Bank of New York (New York, NY)

Betty Santangelo - Panel Moderator
Partner
Schulte Roth & Zabel LLP (New York, NY)

- Why recent cases against financial institutions have yielded the most significant penalties
- Key 2012 enforcement priorities impacting the financial community
- What triggers an OFAC and inter-agency sanctions investigation
- When and how The New York County District Attorney’s Office investigates and prosecutes cases against financial institutions
- Mitigating and aggravating factors impacting penalty amounts, and how credits are determined and applied
- How the agencies assess a settlement offer and determine whether to accept/reject it
- Recent trends in structuring a global settlement
- To what extent OFAC is using administrative subpoenas, and how
- What the agencies expect for “cooperation” and what has been viewed as “uncooperative”

11:45 Enforcement Against Exporters And Individuals

Charles M. Steele
Assistant Director for Enforcement
Office of Foreign Assets Control
U.S. Department of the Treasury (Washington, DC)

Steven W. Pelak
National Export Coordinator
U.S. Department of Justice (Washington, DC)

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Greta Lichtenbaum  
Partner  
O’Melveny & Myers LLP (Washington, DC)  
• How agencies’ enforcement approach for non-regulated entities and individuals differs from enforcement against regulated financial institutions, including the recent Flowserve case  
• Key enforcement priorities in 2012 against exporters and individuals  
• What triggers OFAC suspicion and a referral to the U.S. Department of Justice  
• The scope of potential individual liability for sanctions violations  
• When and how the U.S. Department of Justice decides to investigate and prosecutes cases  
• Mitigating and aggravating factors impacting OFAC penalty amounts and settlement agreements  
• When voluntary and directed disclosures could result in reduced penalties  
• Maximizing credits under the OFAC Enforcement Guidelines  
• Negotiating a global settlement  

12:45 Networking Luncheon for Speakers and Attendees  
2:00 Operating within Evolving U.S. Sanctions against Syria, Burma/Myanmar and Sudan: How to Apply Executive Orders, General Licenses and SDNs to Global Financial and Export Transactions  

Sheryl Cottrell  
Global Sanctions Head  
UBS AG (New York, NY)  

Albert V. DeLeon  
Head of Compliance Advisory and Monitoring  
Zurich Financial (New York, NY)  

Judith A. Lee  
Partner  
Gibson, Dunn & Crutcher LLP (Washington, DC)  

Syria  
• Status and impact of executive orders, general licenses and SDN additions: How sanctions against Syria are expanding  
• How OFAC is implementing general licenses  
• Prohibitions on export of financial, legal and other services, transactions involving petroleum products  
• Impact of current restrictions on insurance/reinsurance policies that pre-date the sanctions  
• How OFAC sanctions differ from the U.S. Commerce Department’s sanctions program for Syria  

Burma/Myanmar  
• Update on evolving U.S. sanctions  
• Which transactions and other business activities are captured under current restrictions  
• Defining “financial services”  
• Determining if someone is on the SDN list, and ownership  
• When goods can be shipped or re-sold by foreign affiliates  

Sudan  
• Assessing the risks of entering South Sudan for business  
• What business you can/cannot do in South Sudan  
• How the U.S. is helping to promote activity in South Sudan  

3:00 Networking Coffee Break  
3:15 Integrating EU Sanctions Restrictions into Your Global Compliance Program: Comparing and Contrasting Heightened New EU and OFAC Requirements  

Daniel Yorks  
Director, OFAC Compliance  
Deutsche Bank (New York, NY)  

Jay Seymour  
Senior Attorney  
BP America Inc. (Warrenville, IL)  

Stephen J. Shine  
Chief Regulatory Counsel  
Prudential Financial (Newark, NJ)  

Lista M. Cannon  
Managing Partner  
Head of UK and EU International Trade & Sanctions Practice  
Fulbright & Jaworski International L.L.P. (London, UK)  
• Comparing and contrasting new EU sanctions against Iran vs. CISADA and implementing regulations  
• Scope of EU restrictions on domestic and foreign entities, transactions, equipment and technology supporting Iran’s petroleum industry  
• How to manage the impact of UK and EU sanctions regimes for businesses operating in sanctioned countries such as Iran and Syria  
• Securing EU and UK approvals for the conduct of business in a sanctioned country  
• Transactions that are excluded from the scope of UK and EU sanctions  
• Tailoring your internal legal and compliance programs to comply with conflicting requirements: Establishing procedures to maintain global compliance  
• Balancing U.S. sanctions with conflicting EU blocking statutes  
• The scope of risk and enforcement for breaches of UK and EU sanctions  

4:30 The Aftermath of Libya and Lessons Learned on Emergency Sanctions Implementation: What You Wish You Knew Then That You Know Now  

Francisco Rapp  
Chief Sanctions Officer  
Global Sanctions Compliance  
Citi Group Inc. (Miami, FL)  

Céline Gerson  
Chief Ethics and Compliance Officer  
Cameron International Corporation (Houston, TX)  

Lisa Palluconi  
Counsel, Governmental Programs  
IBM Corporation (Washington, DC)  

Robert Sims - Panel Moderator  
Partner  
Latham & Watkins LLP (San Francisco, CA)  

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Leading legal and compliance experts who have been “in the trenches” will discuss their best practices and lessons learned on how to prepare for a future wave of emergency sanctions.

Particular focus will be on how to position your internal screening, compliance, legal and communication processes to quickly implement new restrictions, and what to do in the first 24-48 hours. Topics will include:

- Strengthening internal processes and procedures
- Positioning your organization to implement new sanctions immediately, and reduce liability risks
- Updating internal systems
- Ensuring effective internal communication, compliance awareness, and communication with OFAC
- Determining when, how and if you can break a transaction quickly
- Developing efficient systems for locating accounts affected by emergency systems
- Identifying all affected business, customers and contracts: Consolidating by country, products and customers for easy record retrieval
- Adjusting screening processes, and scrubbing lists
- Emerging areas of risk post-Arab Spring

5:30 Conference Adjourns to Day 2

Thursday, April 26, 2012

8:30 Opening Remarks from the Co-Chairs

8:35 Keynote Address: The Present and Future of EU and UK Sanctions

Mikael Down
Deputy Director, Sanctions and Illicit Finance Team
HM Treasury (London, UK)

9:15 Implementing Remedial Measures after a Sanctions Investigation: How to Tighten Policies and Restore Confidence

Arvind Sharma
Senior International Trade Counsel
Flowserve Corporation (Irving, TX)

Fred Curry
Principal
Deloitte Financial Advisory Services LLP
(Washington, DC)

Steve Mulligan
Vice President-OFAC Compliance
HSBC Bank USA NA (New Castle, DE)

- How should sanctions compliance policies and procedures differ when a company is in remediation
- Fostering company-wide sanctions awareness through successful training
- Customers: What and when to disclose to customers
- Terminating problematic agents, and vetting new ones
- Updating your risk assessment process for your global operations
- When to implement blanket denials of transactions involving a sanctioned country vs. implement a case-by-case approach

- Measuring potential risks when sourcing new product lines and customers
- Collecting and controlling information, and documenting your rationale

10:15 Networking Coffee Break

10:30 Ask the Agencies about Their Sanctions Compliance Expectations: How They Assess and Monitor U.S. and Foreign Entity Compliance Programs

Lorraine B. Lawlor
Chief of Compliance Outreach
Office of Foreign Assets Control
U.S. Department of the Treasury (Washington, DC)

Indira Crum
BSA/AML Compliance Specialist
Office of the Comptroller of the Currency (OCC)
(Washington, DC)

Beverly Jules
Supervising Examiner
Federal Reserve Bank of New York (New York, NY)

Alison Clew - Panel Moderator
Principal
Deloitte Financial Advisory Services LLP (Boston, MA)

At this exclusive roundtable discussion and Q & A session, you will get first-hand insights on what it takes to meet agency requirements for a sanctions compliance program. Hear how the agencies assess the strengths and weaknesses of a program, and how they monitor program improvements after the fact. Audience members are welcome to ask their questions or submit them anonymously before the session.

Topics will include:
- How OFAC assesses a sanctions compliance program
- Comparing and contrasting OFAC, OCC and Federal Reserve Bank of New York approaches to assessing compliance
- What is considered “satisfactory”?
- OCC and Federal Reserve Bank approaches to examining and grading a sanctions compliance program, and monitoring program improvements
- Adjusting a sanctions compliance program to meet agency expectations

11:45 Minimizing Facilitation Risks Affecting Multinational Transactions, Supply Chains and Corporate Structures

Carol Fuchs
Counsel, International Trade Regulation
GE Corporate, International Law & Policy
General Electric (Washington, DC)

Elizabeth T. Davy
Partner
Sullivan & Cromwell LLP (New York, NY)

- Defining “facilitation”
- Facilitation risks in connection with related parties, foreign subsidiaries and joint ventures
- Identifying and reducing facilitation risks across your supply chain, corporate structure, human resources, and IT

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• Managing facilitation challenges associated with joint venture partners
• OFAC guidance: Lessons learned from enforcement cases and advisory opinions
• Minimizing facilitation risks in connection with unrelated non-U.S. parties
• Working with non-U.S. companies with ties to sanctioned countries, including vendors and customers

12:30 The Latest on the OFAC Licensing Process, Timeline and Decision-Making Criteria: How to Minimize Delays and License Denials under Existing and New Sanctions Programs

Andrea Gacki
Assistant Director for Licensing
Office of Foreign Assets Control
U.S. Department of the Treasury (Washington, DC)

Susan M.C. Kovarovic
Partner
Bryan Cave LLP (Washington, DC)

• Update on current and anticipated OFAC licensing policy shifts
• Overcoming licensing challenges associated with new sanctions programs, including Syria
• Lessons learned from license denials: Key application errors, and where approvals are decreasing
• Factors in OFAC decision-making when reviewing a license
• Anticipated changes to TSRA activities
• Interplay between the State Department and OFAC, and the impact on the approvals timeframe
• Expected timeframe for OFAC responses, and how to obtain a status update regarding your application

1:30 Conference Concludes

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