National Legal Summit on

Iraq & Afghanistan Contracting

How Battlespace Prime and Subcontractors Can Minimize Cost Accounting, Compliance & Security Risks

February 16-17, 2011 • Hyatt Regency Crystal City, Arlington, VA

At this unique event, you will gain best practices and strategic insights on how to:

• Manage the practical impact of changing wartime policies, reports and DoD initiatives affecting your business
• Vet, select and manage host country and third country subcontractors
• Reduce security risks to your employees, and maximize safety and contract performance
• Register your business in Iraq and Afghanistan, and ensure compliance with local laws and customs
• Prepare for and manage increased DCAA audits and government investigations
• Prevent harsh civil and criminal penalties under the False Claims Act
• Comply with US and local anti-corruption laws, and reduce the risk of FCPA violations
• Minimize shipment delays and the risk of unauthorized technology transfers under US export controls
• Respond to Defense Base Act, personal injury, wrongful death and other claims on the battlefield, and mitigate your exposure

Post-conference working session:
Performing Contracts and Subcontracts under DCAA Audit Rules: How to Satisfy Cost or Pricing Data and CAS Compliance Requirements

Association Partners:

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WITH INCREASING AUDITS OF WARTIME CONTRACTORS AND SECURITY THREATS, THERE HAS NEVER BEEN A MORE CRITICAL TIME TO ATTEND THIS CONFERENCE!

As your organization operates amid difficult and expedited timeframes for winning and managing battlespace contracts, it is critical to properly address the very unique U.S. and local compliance challenges affecting your bottom line, as well as the security of your personnel. Amid rapid policy and regulatory changes, you need to stay on top of the latest developments toward preventing harsh civil and criminal penalties, adverse DCAA audit findings, and lost business opportunities.

Failing to optimize your contract and subcontract management can delay you from receiving support or materials, jeopardize your profitability, increase your organization's exposure, and heighten the risk of injury or death of your employees.

American Conference Institute's National Summit on Iraq and Afghanistan Contracting is the only event that will provide you with comprehensive U.S. and local insights on minimizing the legal, compliance and security risks affecting your operations on the ground. At this unique, must-attend event, you will get up to speed on U.S. and local requirements and customs from a faculty of U.S. and foreign speakers, including senior government officials, industry executives, attorneys and accountants. After attending this practical summit, you will take away proven-effective strategies for doing business in Iraq and Afghanistan – two very distinct environments with specific challenges affecting your organization's ability to win and perform contracts.

Critical topics will include how to:

- Manage the practical impact of changing wartime policies, reports, DoD initiatives and local customs affecting your business
- Vet, manage and select U.S. and local subcontractors, host country nationals and third country subcontractors
- Reduce the security threats affecting your employees and optimize contract performance
- Satisfy strict requirements for registering your business in Iraq
- Prepare and respond to increased DCAA audits during overseas contingency operations
- Prevent harsh civil and criminal violations under the False Claims Act
- Comply with anti-corruption and antibribery laws, and reduce the risk of hefty FCPA penalties
- Minimize delays in shipments of materials and technology transfers due to export compliance challenges
- Manage personal injury, wrongful death and insurance claims

PLUS! Don't miss our practical, post-conference working session, “Performing Contracts and Subcontracts under DCAA Audit Rules: How to Satisfy Cost and Pricing Data and CAS Compliance Requirements”

Based on popular demand, seats are expected to sell out! Save your seat and register by calling 888.224.2480; fax your registration form to 877-927-1563 or register online at www.AmericanConference.com/Battlespace

A MUST ATTEND EVENT FOR:

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- Government Contracting
- Industrial Compliance
- Federal Government Procurement
- International Affairs and Procurement
- Business Development, Global Sales
- International Government Relations
- Public Procurement
- Acquisition Policy
- Government Accounting
- Cost & Pricing

Corporate Legal Professionals
- VPs, Legal Affairs/Operations
- Government Contracts Counsel

Attorneys, Accountants and Consultants specializing in:
- Government Contracting Compliance and Litigation
- Cost Accounting and Cost Allowability
- False Claims Act and Procurement Fraud
- FCPA
- Bid protests
- Export Controls

Contracting Officers/Specialists

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Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE
DAY 1 • Wednesday, February 16, 2011

7:30 Registration Opens and Coffee Served

8:30 Opening Remarks from the Conference Chair

Raymond S.E. Pushkar
Senior Counsel
McKenna Long & Aldridge LLP
(Washington, DC)

8:45 What Current and Pending Policy Initiatives Mean for Your Business: Impact of Wartime Commission, Defense-to-State Transition in Iraq and DoD Policy Initiatives

Michael J. Thibault
Majority Co-Chair
Commission on Wartime Contracting in Iraq and Afghanistan (Arlington, VA)

Moshe Schwartz
Specialist in Defense Acquisition Policy, Foreign Affairs, Defense, and Trade Division
Congressional Research Services (Washington, DC)

Doug Brooks
President
International Stability Operations Association (ISOA) (Washington, DC)

With rapidly changing US and local developments affecting your bottom line, it is critical to stay up to speed on current and pending initiatives that affect your daily contracting and subcontracting activities. At this interactive session, you will gain the latest policy updates that impact your compliance and risk management strategies.

9:45 Networking Coffee Break

10:00 Vetting, Selecting and Managing Host Country and Third Country Subcontractors: Reducing the Risk of Mischarging, Fraud, Non-Performance and Waste

Fredric S. Berger
Chairman
The Louis Berger Group
(Washington, DC)

Chris Taylor
CEO
Mission Essential Personnel LLC
(Chantilly, VA)

Raymond S.E. Pushkar
Senior Counsel
McKenna Long & Aldridge LLP
(Washington, DC)

• Expediting the subcontracting process in a rapid-response environment: Billing, purchasing system, language barriers and other key challenges impacting your pricing

11:15 Securing Your Employees in Unique Contingency Environments: Overcoming Legal and Compliance Challenges Impacting Safety and Contract Performance

Robert J. Strauss
Senior Counsel
Raytheon Intelligence and Information Systems
(State College, PA)

Mark DeWitt
Deputy General Counsel
Vice President Government & Regulatory Affairs
Triple Canopy
(Reston, VA)

Michael J. Navarre
Special Counsel
Steptoe & Johnson LLP
(Washington, DC)

• Military Extraterritorial Jurisdiction Act (MEJA): Effects of MEJA over contractors in battlespace and whether they fall under the Uniform Code of Military Justice (UCMJ)

• Status and impact of Afghan ban on private security companies on your operations

• Who is responsible for protecting and training your employees: Impact of FAR and DFARS policies, contract clauses and key intelligence community developments

• Using private security contractors (PSC’s) vs. the DoD: What is “Inherently Governmental”

• Complying with complex approval, licensing and registration processes for carrying firearms, and who should carry them: Standards for use under DFARS

• Assessing and minimizing contract performance risks before and during the life of a contract: Critical factors to address for your operations in Iraq and Afghanistan

• Hiring and assigning employees: Refining your employment practices to ensure the right hires, and assignments to given positions

• What to cover in “away assignment agreements”

12:30 Networking Luncheon for Attendees and Speakers

1:45 Reform of Stabilization and Reconstruction Operations: Lessons Learned from Recent Investigations in Iraq

Stuart Bowen
Special Inspector General for Iraq Reconstruction (SIGIR)
2:15  Registering Your Business in Iraq and Afghanistan: Satisfying Local Requirements and Customs to Avoid Business Delays and Interruptions

Thomas W. Donovan
Partner
Iraq Law Alliance
(Baghdad, Iraq)

Enayat Qasimi
Partner
Whiteford, Taylor & Preston LLP
(Washington, DC)
Former Senior Foreign Affairs Advisor to the President of Afghanistan

- Understanding new Iraqi business registration rules
- When non-compliance can lead to local enforcement and contract delays
- Key pitfalls to avoid when applying local requirements for registering your business, and how to access and use local consultants
- When and how to prepare work visas for your employees, and satisfy transportation requirements from country to country
- Using exemptions from taxes, registration requirements and customs restrictions
- Kuwait, UAE, Jordan, Turkey and Pakistani regulations, and how they affect your business in Iraq and Afghanistan

3:15  Networking Refreshment Break

3:30  The Heavy Costs of False Claims: How Government is Applying the False Claims Act to Battlespace Situations

William A. Roberts III
Partner
Wiley Rein LLP
(Washington, DC)

- How relaxed requirements for proving false claims under FERA have been applied: Impact of recent qui tam and false claims cases
- What triggers False Claims Act (FCA) enforcement and how much it can cost your company
- Update on enforcement of non-traditional areas, including “reverse” false claims and grants
- How the FCA is being used to enforce anti-kickback violations
- Distinguishing between a claim that is “false” vs. “fraudulent”
- Meeting strict reporting requirements
- Upgrading your compliance program to reduce FCA exposure
- Reducing reputational risks stemming from qui tam lawsuits

4:15  Minimizing Shipment Delays and Unauthorized Technology Transfers: Incorporating US Export Controls and Local Restrictions into Your Contract Management

Karen Jones
Vice President of Ethics and Corporate Governance
Xe Services
(Moyock, NC)

Suzanne Reifman
Partner
Vinson & Elkins LLP
(Washington, DC)

- What hardware, software and technology are covered under International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR)
- Understanding agreements with military forces, and how to apply ITAR regulations and exemptions for training personnel
- Key export controls requirements impact your ability to meet contract management and performance obligations
- Common pitfalls to avoid when complying with shipping requirements
- Identifying technology transfers that require license approvals under the ITAR and EAR, and the approvals timeframe
- Complying with local import laws affecting your shipments
- Developing an ITAR licensing strategy and expediting approvals
- Managing US export compliance on the ground: Ensuring effective end-use monitoring, safeguarding of retransfers, and segregation of data to prevent deemed exports

5:15  Chair’s Closing Remarks and End of Day 1

DAY 2 • Thursday, February 17, 2011

9:00  Opening Remarks by the Conference Chair

9:15  Preparing for Increased DCAA Audits and Government Investigations: How “Business as Usual” Audit Standards and Investigative Techniques are Being Applied on the Ground

Dee Lee
Executive Director, Compliance
Fluor Corporation
(Arlington, VA)

Bill Walter, CPA
Principal
Goodman & Company LLP
(Tysons Corner, VA)

- The roles of Special Inspector Generals of Iraq and Afghanistan, GAO, DCAA, DCMA, CWC and contracting officers
- Responding to auditors’ and investigators’ requests regarding cost accounting, documentation and internal controls in a wartime theater
- Satisfying auditor requirements and expectations for “adequate” internal controls
- Meeting auditors’ expectations for “price reasonableness”
- Making sure your communication channels are clear with government and internally
- Training your employees to respond to DCAA and DCMA audits and inquiries before going to Iraq and Afghanistan
- Ensuring proper recordkeeping procedures

10:30  Networking Coffee Break

10:45  Reducing the Risk of Supply Chain Corruption: How to Meet FCPA and Local Anti-Corruption Requirements

Julia Symon
Director of Compliance
KBR
(Arlington, VA)
Mitigating Exposure due to Battlefield Claims: Personal Injury, Wrongful Death and Defense Base Act Coverage

Erik Quist
Vice President, General Counsel
EOD Technology
(Arlington, VA)

- Defense Base Act insurance coverage and how it applies to your company: Minimizing tort claims and contractors’ responsibility to pay
- Legal issues related to: Sovereign immunity, the Federal Torts Claims Act, government contracting defense, the political question doctrine, combattant activities exception, state secrets privilege and common law defenses
- Preparing and training your employees to work in Iraq and Afghanistan
- Contractor availability of services, medical facilities and what this means for your people on the ground
- The effect of Iraq SOFAs and the extent of their jurisdiction

Ample time will be left for Q & A, so come prepared!

Topics will include:
- Developing a plan to monitor the documentation process on the battlefield: Knowing minimum standards under the FAR including the “allowable cost and payment clause”
- When are contracts and subcontracts covered by the Cost Accounting Standards (CAS) and how to meet compliance requirements including Disclosure Statements
- What companies can do to get past the lack of adequate price competition and strategies to getting exemptions from the Truth in Negotiations Act (TTNA)
- Conducting efficient price analysis and market research in a timely fashion to ensure competitiveness
- Ensuring adequate accounting, billing and purchasing systems
- When to protest an award due to cost or pricing data issues: Bid protest, audit and claims dispute resolution processes
- Effective contract financing strategies: How to maximize cash flow

Performing Contracts and Subcontracts under DCAA Audit Rules: How to Satisfy Cost and Pricing Data or CAS Compliance Requirements

James W. Thomas
Partner
PricewaterhouseCoopers
(McLean, VA)

One of the most challenging aspects for U.S. contractors in Iraq and Afghanistan is complying with the strict accounting standards set forth by U.S. regulators. Prime contractors need to achieve uniformity and consistency in the measurement, assignment, allowability and allocation of subcontractor costs, but face heightened cost and pricing compliance challenges posed by doing business in contingency environments.

In this interactive, practical workshop, expert workshop leaders will provide participants with strategies to implement when placing subcontracts under U.S. audit rules. Complying with these requirements will save your company money and reduce the risk of criminal enforcement against your executives.

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The fee includes the conference, all program materials, continental breakfasts, lunches, refreshments and complimentary membership of the ACI Alumni program.

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