



Federal Publications Seminars

International Government & Commercial Contracting

The practical, daily business matters essential
to international contracting:

- Contracting principles
- Import and export laws
- Dispute resolution in international sales
- Applicable U.S. export-import laws

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International Government and Commercial Contracting

International sales can be critical to an organization's success. But the international business environment is changing rapidly, and to be successful, businesses must learn how to maximize potential while minimizing risks.

This special program is designed to provide such guidance: To provide key information and insights for corporate executives and their professional advisors on the rules of the game and on how to make the most of available opportunities. The program offers solid insight into the risks associated with the global marketplace — information that must be taken into account and managed when developing, maintaining or expanding international sales.

As the Course Curriculum in this brochure illustrates, the program presents attendees with an analysis of and experienced insight into the practical, daily business matters essential to international contracting, including:

- Contracting principles
- Import and export laws
- Countertrade and offsets
- U.N. Convention on the International Sale of Goods
- Dispute resolution in international sales
- Offset agreements

The program will be presented by an experienced faculty with exhaustive experience in international contracting matters. Each attendee will receive, in addition to lectures and hands-on exercises, a comprehensive reference Manual for your use during the program and as a guide to international contracting.

Course Directors

Ira E. Hoffman is Chairman of the Government Contracts Practice Group and Co-Chairman of the International Practice Group at Shulman, Rogers, Gandal, Pordy & Ecker, P.A., in Rockville, MD. Mr. Hoffman's practice covers a wide range of government contracts and international issues and clients, from U.S. subsidiaries of foreign multinationals, to software developers, to mid-sized and large U.S. defense contractors, to U.S. small businesses in the 8(a) and/or SBIR programs. Before joining Shulman Rogers, he served as a Court Law Clerk at the U.S. Court of Appeals for the D.C. Circuit, as Counsel to the Vice Chairman of the U.S. International Trade Commission, and as Counsel to the Israeli Ministry of Defense Mission to the U.S., and practiced at the nationally prominent law firms Fried Frank, and Howrey & Simon. Mr. Hoffman has taught Foreign Military Sales and Export Controls for Federal Publications, Inc., and International Trade Law and European Union Law at the George Mason University School of Law, and most recently is a co-author of the "Export Controls and Economic Sanctions" chapter in the 2007 Year in Review issue of *The International Lawyer*.

Fred W. Geldon is Counsel for EDS Federal, the business unit of Electronic Data Systems Corporation that performs contracts with agencies of the United States Government. He is responsible for handling or supervising all legal matters involving EDS' federal government customers, including bid preparation, bid protests, contract and regulatory interpretation, claims, terminations, compliance, and disputes. Mr. Geldon has been a practicing attorney for nearly 30 years, both in private practice and as an Assistant Director of the Environmental and Occupational Disease Litigation section of the Torts Branch, Civil Division of the Department of Justice, where he helped to supervise the nationwide asbestos litigation involving the United States. Mr. Geldon is admitted to practice in California, Maryland and the District of Columbia, and has appeared before the United States Supreme Court, the U.S. Court of Federal Claims, District Courts for the District of Columbia and West Virginia (N.D.), and various Boards of Contract Appeals and administrative agencies. He has published a number of articles in the field of government contracts law and has lectured and participated in a variety of academic and professional government contracts programs.

Jacob S. Frenkel is Chairman of the Securities Enforcement, White Collar Crime, and Corporate Investigations Practice Groups at Shulman, Rogers, Gandal, Pordy & Ecker, P.A. Mr. Frenkel's practice emphasizes the representation of corporations and their officers, directors and other senior corporate officials in federal securities and criminal investigations, including financial crimes, investigations by the U.S. Congress, and internal investigations. He also serves as an independent counsel to advise Audit Committees and officers and directors of companies in connection with their obligations under Sarbanes-Oxley, the Foreign Corrupt Practices Act (FCPA), and the USA PATRIOT Act. Earlier in his career, Mr. Frenkel served as an Assistant District Attorney in New Orleans, as senior counsel in the Division of Enforcement at SEC Headquarters in Washington, D.C., and as co-trial counsel on two high-profile Independent Counsel public corruption and federal securities law prosecutions, which involved money laundering and the FCPA. In addition, Mr. Frenkel lectures and publishes widely in his practice areas, and frequently provides expert commentary for U.S. and foreign wire services, newspapers, and radio and television networks.

Jeremy W. Schulman is Co-Chairman of the Business Litigation Group at Shulman, Rogers, Gandal, Pordy & Ecker, P.A. Mr. Schulman has a highly diversified practice, with a concentration in complex commercial litigation, international and domestic arbitration, regulatory inquiries, internal investigations, and corporate counseling. He has represented commercial borrowers, foreign governments, insurance companies, foreign and domestic financial institutions, trading companies, media concerns, energy joint ventures, and an airport development authority, among others. Among Mr. Schulman's more recent noteworthy matters are representation of one of Japan's largest corporations in several U.S. Federal and State court actions arising out of rogue-trading; the representation of an Asian government in a \$10.5 billion case concerning disputed oil and gas drilling rights in the Timor Sea; and the representation of one of Russia's largest banks in a civil forfeiture proceeding brought by the U.S. Government in connection with the Bank of New York money laundering investigation. Prior to joining Shulman Rogers, Mr. Schulman clerked for Judge John M. Steadman of the District of Columbia Court of Appeals, and was a commercial litigator at the nationally prominent law firms of Milbank Tweed, Paul Weiss, and LeBoeuf Lamb.

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International Government & Commercial Contracting

I. Introduction to International Contracting

- A. Cross-Cultural Differences and Sensitivity
- B. Political/Ideological/Economic Development Differences

II. U.S. Laws Enabling International Government Contracting

- A. Foreign Military Sales
- B. Foreign Military Financing
- C. Direct Commercial Sales
- D. Security Cooperation (Section 1206)
- E. Other Foreign Assistance Programs

III. U.S. Laws Affecting International Government and Commercial Contracting

- A. Laws Affecting U.S. Government Contracts
 1. Buy American Act
 2. Trade Agreements Act
 3. Free Trade Agreements
- B. U.S. Export Controls
 1. International Traffic in Arms Regulation (ITAR)
 2. Export Administration Regulation (EAR)
 3. Foreign Assets Control Regulations (Embargoes)
 4. International Emergency Economic Powers Act
- C. Laws Affecting Imports Into the U.S.
 1. U.S. Customs Laws and Procedures
 2. Remedies for Unfair Trade Practices
- D. U.S. International Trade Compliance
 1. Foreign Corrupt Practices Act
 2. Anti-Boycott Regulations
 3. USA PATRIOT Act
 4. Immigration, Customs and Border Protection
 5. Enforcement

IV. Multilateral Regimes Affecting International Government Contracting

- A. WTO Agreement on Government Procurement
- B. Government Procurement Under NAFTA
- C. Multilateral Export Control Regimes
 1. Wassenaar Arrangement
 2. Nuclear Suppliers Group
 3. Missile Technology Control Regime
 4. Australia Group
- D. Anti-Bribery Conventions

V. International Commercial Contracting

- A. UN Convention on the International Sale of Goods
- B. Incoterms
- C. Currency Issues
- D. Payment Issues
- E. International Tax Issues
- F. Intellectual Property Rights
- G. Offsets and Countertrade

VI. International Disputes and Alternative Dispute Resolution

- A. Choosing the Dispute Resolution Method
 1. Mediation
 2. Arbitration
 3. International Arbitration
- B. Contract Dispute Provisions
 1. Choice of Law
 2. Choice of Forum
 3. Choice of Arbitrator or Mediator
 4. Choice of Counsel
- C. ADR Dispute Clause Strategies
- D. Enforcement of Award
 1. Relevant Treaties and Agreements
 2. Locus of Enforcement

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DAILY SCHEDULE

Registration: 8:45 am on Day 1

Meetings: 9:00 am – 12:00 pm and 1:00 pm – 4:00 pm

To Register:

- **Registration Fee \$995.** The Registration fee of \$995 includes the price of a course book which is valued at \$250 plus applicable taxes. Applicable taxes include sales, use, gross receipts, excise, value added tax (VAT) or equivalent, *ad valorem* and other taxes.
- Register online at www.fedpubseminars.com
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FOR FURTHER INFORMATION:

Telephone: 888-494-3696

COURSE MANUAL — An extensive *Manual* of original materials (available from no other source) has been specially prepared for distribution to attendees at this program. Its purpose: to relieve you of the burden of taking voluminous notes and to provide you with a source book of continuing value.

TEAM DISCOUNT — A discount is available for three or more registrations from the same organization for this seminar. The discount — a \$200 per person reduction in the seminar fee — can be taken when three (or more) registrations are sent together. The discount cannot be transferred to other sessions of this program or to other seminars. To receive the team discount, please phone, fax or mail your registration.

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