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THE SCHEDULE AT A GLANCE

WEDNESDAY.	AUGUST	Г 24. 2016
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Time	Session	Ballroom
7:30 AM – 8:30 AM	Continental Breakfast & Registration	
8:30 AM – 8:45 AM	Welcome & Introductions	
8:45 AM – 9:15 AM	A View from the Top: Challenges and Changes to America's Homeland Security Against Terrorism and Homegrown Threats in 2016 and Beyond (NON-CLE)	
9:15 AM – 10:45 AM	2016 – 2017 Homeland Security Legislation and Regulations	
10:45 AM – 10:55 AM	Break	
10:55 AM – 12:25 PM	Breakout Session I	
Breakout A	Legal & Policy Considerations in Emergency Management	
Breakout B	The SAFETY Act: Managing Critical Risks in an Uncertain World	
12:25 PM – 12:55 PM 12:55 PM – 1:15 PM	Lunch Break (included in registration) Lunch Speaker TBD (NON-CLE)	
1:15 PM – 2:45 PM	A Challenge For All: Preserving Privacy and Ensuring Data Security	
2:45 PM – 2:55 PM	Break	
2:55 PM – 3:55 PM	The Supply Chain – The Weakest Link: Vulnerabilities and Solutions	
3:55 PM – 4:55 PM	Drones 2.0: A Discussion with FAA General Counsel Reggie Govan	
5:00 PM – 7:00 PM	Networking & Cocktail Reception	

THURSDAY, AUGUST 25, 2016

Time	Session
7:30 AM – 8:30 AM	Continental Breakfast & Registration
8:30 AM – 9:00 AM	Opening Remarks by Steve Bunnell (NON-CLE)
9:00 AM – 10:00 AM	Homeland Security and the Private Sector – A General Counsel's Perspective
10:00 AM – 10:15 AM	Break
10:15 AM – 11:15 AM	DHS General Counsel's Office – 2016 Priorities & Update
11:15 AM -11:30 AM	Break
11:30 AM – 12:30 PM	Breakout Session II
Breakout A	The Role of the Military in Homeland Defense
Breakout B	The U.S. Immigration Agenda 2016
12:30 PM – 1:00 PM	Lunch Break (included in registration) The Cybersecurity Act of 2015 – An Overview and Update (NON-CLE)
1:00 PM – 2:00 PM	Latest Developments: Committee on Foreign Investments in the United States (CFIUS)
2:00 PM – 2:15 PM	Break
2:15 PM – 3:15 PM	Homeland Security Critical Infrastructure Legal & Policy Issues
3:15 PM – 3:30 PM	Break
3:30 PM – 4:30 PM	Cybersecurity and the Internet for Things (IoT)
4:30 PM	Conference Adjourns

PROGRAM FACULTY



Joe D. Whitley, Program Chair Former Section Chair, ABA Section of Administrative Law & Regulatory Practice; Shareholder, Baker, Donelson, Bearman, Coldwell & Berkowitz, P.C., Atlanta, GA and Washington, DC Former and first General Counsel, U.S. Department of Homeland Security (DHS); Former U.S. Attorney for the Northern (Macon) and Middle (Atlanta) Districts of Georgia, U.S. Department of Justice (DOJ); Former Associate Attorney General, U.S. Department of Justice



Michael F. Kennedy Program Vice-Chair Attorney, Kennedy Law & Policy, Washington, DC



Emily B. Montgomery Program Vice-Chair Associate, Booz Allen Hamilton Washington, DC



Joshua M. Snavely Program Vice-Chair Dean & Professor, School of Business, Langston University, Langston, OK

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Donelson) Martin)

Mabel Arroyo-Triado (Baker Joe Maher (**DHS

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Marc Kesselman (Yum! Dawn M. Zoldi (USAF-

Brands) JAG)

PANELISTS

Ernie B. Abbott, Shareholder, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Washington, DC

Akmal Ali, Principal, Catalyst Partners, Washington,

Rear Admiral Steven J. Andersen, Judge Advocate General, U.S. Coast Guard, Washington, DC

Leonard Bailey, Special Counsel for National Security for the Computer Crime & Intellectual Property Section of the Criminal Division, U.S. Department of Justice (DOJ), Washington, DC

William Banks, Interim Dean; Director, Institute for National Security and Counterterrorism (INSCT); Board of Advisors Distinguished Professor, Syracuse University College of Law, Maxwell School of Citizenship and Public Affairs, Syracuse, NY

^{*} Honorary Program Vice-Chair

PROGRAM FACULTY continued

Stevan E. Bunnell, General Counsel, U.S. Department of Homeland Security (DHS), Washington, DC

Jonathan Cantor, Acting Chief Privacy Office, U.S. Department of Homeland Security (DHS)

Angeline (Angie) G. Chen, General Counsel, Siemens Government Technologies, Arlington, VA

Alisa L. Chestler, Shareholder, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Washington, DC

Sheila C. Cheston, Northrop Grumman Corporation, Falls Church, VA

Jeannette Chu, PwC, Washington, DC

Frank J. Cilluffo, Associate Vice President and Director, The George Washington University Center for Cyber & Homeland Security, Washington, DC

Shawn Cooley, Director of Foreign Investment Risk Management for the Office of Policy, U.S. Department of Homeland Security (DHS)

Nova Daly, Senior Public Policy Advisor, Wiley Rein LLP, Washington, DC

Jennifer Daskal, Associate Professor, American University Washington College of Law, Washington, DC

Bruce Davidson, Director, Office of SAFETY Act Implementation, U.S. Department of Homeland Security (DHS), Washington, DC

John Gereski, Attorney Advisor Enforcement Law Division, U.S Department of Homeland Security (DHS), Washington, DC

Aimee Ghosh, Associate, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC

Joseph Gleason, International Association of Emergency Managers (IAEM), Region 3, Washington, DC

Jeffrey Gorsky, Senior Counsel, Berry Appleman & Leiden LLP, Washington, DC

Reginald (Reggie) C. Govan, Chief Counsel, Federal Aviation Administration (FAA), Washington, DC

Christopher (Chris) Graham, Georgia Pacific, Atlanta, GA

Jeffrey Greene, Director, Government Affairs for North America, Symantec Corporation, Washington, DC **Christopher (Chris) D. Hale,** Cybersecurity Counsel, Raytheon Corporation, Sterling, VA

John Havranek, Associate General Counsel for the Operations and Enforcement Law, United States Department of Homeland Security (DHS), Washington, DC

Amy Jeffress, Partner, Arnold & Porter, LLP, Washington, DC

Brian Kamoie, Assistant Administrator, Federal Emergency Management Agency (FEMA), Washington, DC

Alice Alexandra Kipel, Executive Director, Regulations & Rulings (RR), Office of International Trade, U.S. Customers and Border Protection (CBP)

Robert Kolasky, Deputy Assistant Secretary for Infrastructure Protection, Washington, DC

Bryan Koon, Director, Florida Emergency Management (FLDEM) (Invited), Tallahassee, FL

Joshua (Josh) Kussman, CEO, Sentinel Strategy and Policy Consulting, Vienna, VA

Joseph Maher, Principal Deputy General Counsel, United States Department of Homeland Security (DHS), Washington, DC

Dominic Mancini, Deputy Administrator, Office of Information and Regulatrory Affairs, Office of Management and Budget, Washington, DC

Alejandro Mayorkas, Deputy Secretary, U.S Department of Homeland Security (DHS), Washington, DC

James W. McCament, Deputy Chief of Staff (Acting), Chief, Office of Legislative Affairs, U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security (DHS), Washington, DC

Thomas M. McDermott, Deputy Assistant Secretary for Cyber Policy (Acting), U.S. Department of Homeland Security (DHS), Washington, DC

Christina E. McDonald, Associate General Counsel for Regulatory Affairs, U.S. Department of Homeland Security (DHS), Washington, DC

Gary Merson, Chief Democratic Counsel, Subcommittee on Immigration and Border Security, House Judiciary Committee

David S. Newman, Director, Office of Legal Affairs, Visa Services Directorate, Bureau of Consular Affairs, U.S. Department of State, Washington, DC

PROGRAM FACULTY continued

Amy M. Nice, Attorney Advisor, Office of General Counsel, U.S. Department of Homeland Security (DHS), Washington, DC

Joan V. O'Hara, General Counsel, House Homeland Security Committee, Washington, DC

David Palmer, Associate General Counsel, United States Department of Homeland Security (DHS), Washington, DC

Dana Pashkoff, Partner, Dentons US LLP, Washington, DC

Kiran Raj, Deputy General Counsel, U.S. Department of Homeland Security (DHS), Washington, DC

Sue Ramanathan, Deputy Assistant Secretary for Senate Affairs, U.S. Department of Homeland Security (DHS), Washington, DC

Benjamin C. Richardson, Deputy Director, Security Policy and Oversight, Counterintelligence and Security Directorate, Office of the Under Secretary of Defense for Intelligence, Department of Defense, Washington, DC

Paul S. Rosenzweig, Red Branch Law and Consulting, Washington, DC

Karl F. Schneider, Principal Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs), The Pentagon, Washington, DC

Mary Beth Schultz, Minority Chief Counsel, Senate Homeland Security & Governmental Affairs Committee, Washington, DC

Timothy (Tim) Scott, CPP, CSO & Global Director, Emergency Services & Security, The Dow Chemical Company, Freeport, TX

Adrian Sevier, Chief Counsel, Federal Emergency Management Agency (FEMA), Washington, DC

Lucy L. Thomson, Founding Principal, Livingston PLLC, Washington, DC

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Congressman Jim Turner, Arnold & Porter LLP, Washington, DC

Andrew Walker, Managing Director, Accenture, Washington, DC

Thomas S. Winkowski, President, Global Border Solutions, LLC (former Acting Commissioner, U.S. Customs and Border Protection), Washington, DC

Evan D. Wolff, Partner, Crowell & Morning, Washingtno, DC

David M. Wulf, Deputy Director, Infrastructure Security Compliance Division, U.S. Department of Homeland Security (DHS), Washington, DC

Col. Dawn Zoldi, General Counsel, Staff Judge Advocate, United States Air Force Academy, Colorado Springs, CO

PROGRAM AGENDA

Wednesday, August 24, 2016

7:30 AM - 8:30 AM	Continental Breakfast & Registration
8:30 AM - 8:45 AM	Welcome & Introductions
8:45 AM - 9:15 AM NON-CLE	A View from the Top: Challenges and Changes to America's Homeland Security Against Terrorism and Homegrown Threats in 2016 and Beyond Alejandro Mayorkas, DHS Deputy Secretary
9:15 AM - 10:45 AM	2016 – 2017 Homeland Security Legislation and Regulations
1.5 CLE Credit	James W. McCament (Moderator) Dominic Mancini, Christina E. McDonald, Joan V. O'Hara, Sue Ramanathan, Mary Beth Schultz This panel will provide an overview of significant legislative and regulatory initiatives of DHS in
	2016. Panel members will provide a summary of the status of key homeland security legislation and discuss current priorities in the current Congress to address our nation's homeland security. The panel will also discuss the transition plans and potential priorities for the next administration.
10:45 AM – 10:55 AM	Break

10:55 AM – 12:25 PM Breakout Session I Panel A

Legal & Policy Considerations in Emergency Management

Ernie B. Abbott (Moderator) Joseph Gleason, Brian Kamoie, Bryan Koon (Invited), Adrian Sevier

1.5 CLE Credit

This panel will focus on the legal and regulatory issues generated by the growing number and cost of disasters. These issues include legislative and regulatory efforts to make disaster response and recovery more flexible and cost efficient. But federal, state and local governments must assure that our communities and infrastructure are more resilient to, and suffer less damage from, disaster events. The panel will describe the kinds of incentives and regulatory requirements that have been adopted, and are still needed, to reduce the impact on people, property, and the economy from disasters.

10:55 AM – 12:25 PM Breakout Session I Panel B

The SAFETY Act: Managing Critical Risks in an Uncertain World

Bruce Davidson (Moderator)
Dana Pashkoff, Akmal Ali, Aimee Ghosh

Today's world is filled with risks, many of which are asymmetric, consequential and challenging. Yet your clients must identify, assess, prioritize and address them with realistic and cost-effective strategies. While terrorism risks are not always the highest probability risk, they can have a catastrophic outcome and severely impact your clients' financial health and reputation for years to come. This experienced panel will look at these challenges protecting the nation's critical infrastructure and your clients' interests, and discuss the expanding opportunities for mitigating the risk and impact of terrorist threats using the protections offered by the Support Anti-terrorism by Fostering Effective Technologies (SAFETY) Act. Recent developments in SAFETY Act protections for cyber security, commercial facilities, the energy sector, supply chain security, and information sharing will be highlighted. This session will be filled with ideas that you can put to use when assisting your clients confront these significant risks.

Wednesday, A	August	24, 2016
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12:25 PM – 12:55 PM Lunch Break (included with registration)

12:55 PM – 1:15 PM Lunch Speaker TBD (NON-CLE)

1:15 PM – 2:45 PM A Challenge For All: Preserving Privacy and Ensuring Data Security

Congressman Jim Turner (Moderator)

1.5 CLE Credit Jonathan Cantor, Alisa L. Chestler, Jennifer Daskal, Amy Jeffress

Where do we stand now on statutory and constitutional issues related to security, privacy, and the governmental and private sector use of technology in homeland security? Panel members will discuss the balance and provide an overview of cybersecurity and privacy legislation, threats and the use of technology for foreign and domestic security.

2:45 PM - 2:55 PM Break

1.0 CLE Credit

2:55 PM — 3:55 PM The Supply Chain — The Weakest Link: Vulnerabilities and Solutions

Joshua (Josh) Kussman (Moderator)

Jeannette Chu, Alice Alexandra Kipel, Thomas S. Winkowski

1.0CLE Credit

Several major new pieces of trade and customs legislation were signed into law by President Obama in 2015 and 2016 including the Trade Promotion Authority (TPA), the Trade Preferences Extension Act (TPEA) and the Trade Facilitation and Trade Enforcement Act (TFTEA). Panelists will discuss how the U.S. Customs and Border Protection (CBP) will enforce these laws including how the industry will seek to comply with them.

3:55 PM – 4:55 PM Drones 2.0: A Discussion with FAA General Counsel Reggie Govan

Col. Dawn Zoldi, Reginald (Reggie) C. Govan

Col. Dawn Zoldi of the United States Air Force will conduct a fireside chat interview with Federal Aviation Administration (FAA) General Counsel, Reggie Govan. Topics to be discussed will include: an overview of the general aviation rules that apply to drones; the status of the Notice of Public Rule-Making on the Small Commercial UAS Rule; "how to" apply for commercial drone use approval in the interim (Section 333 approvals); the drone registration requirement; what national security considerations the FAA is focused on with respect to drones; and continuing challenges that exist for assimilating drones into the national airspace, among others.

5:00 PM - 7:00 PM Networking & Cocktail Reception

Thursday, August 25, 2016

1.0 CLE Credit

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7:30 AM - 8:30 AM	Continental Breakfast & Registration
8:30 AM - 9:00 AM	Opening Remarks
NON-CLE	Steve Bunnell
9:00 AM - 10:00 AM	Homeland Security and the Private Sector – A General Counsel's Perspective
	Joe D. Whitley (Moderator) Angeline (Angie) G. Chen, Sheila C. Cheston, Christopher (Chris) Graham
1.0 CLE Credit	This panel will explore the diverse responsibilities of general counsels in providing legal advice and leadership in protecting their organizations against threats to business continuity caused by terrorism, cyber threats and natural disasters. Also, the general counsels will discuss the interface between their organizations and the Department of Homeland Security, FBI and other federal and state organizations that are charged with protecting America against both domestic and international terrorism. Finally, panel members will assess the way ahead for their leadership and their boards of directors in the ever changing balancing act between corporate profitability and corporate security. Can these two needs successfully coexist?
10:00 AM - 10:15 AM	Break
10:15 AM – 11:15 AM	DHS General Counsel's Office – 2016 Priorities & Update
	Stevan E. Bunnell (Moderator) Steven J. Andersen, Joseph Maher, John Havranek, David Palmer, Kiran Raj
1.0 CLE Credit	This panel will explore the mission of the OGC in 2016 to provide legal advice and counsel to the Secretary of Homeland Security and the over 200,000 employees of this department. Panelists will also discuss the latest technologies, emerging trends, and world events and how they affect homeland security. Where are we now in the discipline and practice of homeland security law, where are we going, and how do we get there?
11:15 AM – 11:30 AM	Break
11:30 AM – 12:30 PM Breakout Session II	The Role of the Military in Homeland Defense
Panel A	Professor William Banks (Moderator) John Gereski, Jeffrey Greene, Paul S. Rosenzweig, Karl F. Schneider
	When crisis requires American troops to deploy on American soil, the country depends on a rich and evolving body of law to establish clear lines of authority, safeguard civil liberties, and protect its democratic institutions and traditions. Since the 9/11 attacks, the governing law has changed considerably even as domestic threats – from terror attacks, extreme weather, and

changed considerably even as domestic threats – from terror attacks, extreme weather, and pandemics – mount. America's military is uniquely able to save lives and restore order in

situations that overwhelm civilian institutions. Yet the military has also been called in for more coercive duties at home – to quell riots and enforce federal laws in the face of state resistance. What are the likely domestic roles and missions of the U.S. military, and how will they be

11:30 AM – 12:30 PM Breakout Session II Panel B

The U.S. Immigration Agenda 2016

Jeffrey Gorsky (Moderator)
Gary Merson, David Newman, Amy M. Nice

Immigration has become one of the most important and contentious issues in the 2016 Presidential election, almost guaranteeing that it will be a major political issue in the new Presidential administration. Accentuating the visibility of the issue, this summer the U.S. Supreme Court will issue a decision in U.S. v Texas, one of the most controversial and important cases of the session, on the legality of President Obama's immigration initiatives to grant relief from removal and work authorization to millions of undocumented immigrants. This panel of immigration experts will discuss the status of the President's agenda and the future of immigration reform both in the lame duck session and under the next President and Congress in the political year to come.

12:30 PM - 1:00 PM

Lunch Break (included with registration)

The Cybersecurity Information Sharing Act: An Overview and Update

Joshua Snavely (Moderator) Leonard Bailey, Kiran Raj

The Cybersecurity Information Sharing Act is one of the most important pieces of federal cyber-related legislation enacted to date. The Act establishes authority for monitoring information systems and taking defensive measure to protect an information system, as well as a mechanism for cybersecurity information sharing among private-sector and federal government entities that provides safe harbors from liability. This panel of experts will provide an overview of the legislation including an update on its implementation and use. The panel will discuss the relevant guidelines and procedures required by the Act, as well as the various sharing mechanisms, information systems, and potential defensive measures made available by this landmark legislation.

1:00 PM - 2:00 PM

Latest Developments: Committee on Foreign Investments in the United States (CFIUS)

Malcolm Tuesley (Moderator)
Shawn Cooley, Nova Daly, Benjamin C. Richardson, Andrew Walke

1.0 CLE Credit

The Committee on Foreign Investment in the United States (CFIUS) reviews the national security implications of investments in U.S. businesses by foreign persons. This panel will discuss issues facing the Committee, including recent changes at the Defense Security Service, DHS's unique challenges in protecting privately-owned critical infrastructure from foreign investment risks, risk mitigation agreements and ongoing compliance issues, as well as the Committee's role in balancing the United States' policy of open investment with realities of evolving national security threats.

Thursday, August 25, 2016

2:15 PM – 3:15 PM Homeland Security Critical Infrastructure Legal & Policy Issues

Robert Kolasky (Moderator)

Michael Kennedy, Timothy (Tim) Scott, David M. Wulf

1.0 CLE Credit

Private companies reduce their security risks by complying with regulations, developing business continuity and emergency response plans. The chemical industry manufactures, stores, and transports a wide array of chemicals every day, but these products can be used in explosions or as chemical weapons. The panelists will discuss) insider threat developments, chemical precursors strategies, and new international developments in global security.

3:15 PM - 3:30 PM Break

3:30 PM – 4:30 PM Cybersecurity and the Internet of Things (IoT)

Lucy L. Thomson (Moderator)

Frank J. Cilluffo, Christopher (Chris) D. Hale, Thomas M. McDermott, Jody Westby, Evan

D. Wolf

Cyber threats and actors have become more common and bolder, while the lines among nation-state, terrorist, and criminal exploits have blurred. This panel will review the current threat matrix, possible readiness measures, the role that insurance might play in prevention and mitigation. This panel will also identify and define the evolving issues, problems and threats related to cybersecurity and the IOT. Panel members will analyze the relevant policies and standards and review security by design and software assurance.

1.0 CLE Credit

4:30 pm Conference Adjourns

11th Annual Homeland Security Law Institute | Washington, DC August 24-25, 2016

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Section of Administrative Law and Regulatory Practice Tentative Event Schedule 2016 – 2017

Administrative Law Conference

December 8 – 9, 2016
Walter E. Washington Convention Center, Washington, DC
Fall Council Meeting TBD

ABA Midyear Meeting – Council & Section Dinner February 2017 Miami, FL

13th Annual Administrative Law Institute

March 2017

Washington, DC

Spring Section Council Meeting & Dinner

Late April – Early May 2017 Washington, DC

12th Annual Homeland Security Law Institute

Dates TBD Washington, DC

ABA Annual Meeting – Council & Section Dinner

August 12, 2017 New York, NY



ABA Section of Administrative Law and Regulatory Practice
1050 Connecticut Avenue NW, Suite 400, Washington, DC 20036
T (202) 662-1582 • F (202) 662-1529