

American Bar Association
Section of Administrative Law and Regulatory Practice

**THIRD ANNUAL
HOMELAND SECURITY LAW
INSTITUTE**

**L'Enfant Plaza Hotel, Washington, DC
January 17-18, 2008**

FINAL AGENDA

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ABA Standing Committee on Law and National Security
ABA Section of State and Local Government**

**Conference Co-Chairs
Joe D. Whitley and Lynne K. Zusman**

**Conference Vice Chair
George A. Koenig**

THURSDAY, JANUARY 17, 2008

8:00 am

Registration and Continental Breakfast

Foyer, Ballroom A/B/C

8:45 am

Opening Session

Ballroom A/B/C

Welcome

The Honorable M. H. Russell Frisby, Jr., Partner, Fleischman and Harding, LLP, Washington, DC
Chair-elect, ABA Section of Administrative Law and Regulatory Practice

The Honorable Joe D. Whitley, Partner, Alston & Bird, LLP, Washington, DC, Conference Co-Chair; Former
General Counsel, U.S. Department of Homeland Security

Lynne K. Zusman, President, Lynne K. Zusman & Associates, P.C., Washington, DC, Conference Co-Chair

Introduction of Moderators:

Jason Klitenic, Principal, Klitenic Robertson PLLC, Washington, DC; Former Deputy General Counsel, U.S.
Department of Homeland Security

Mark Robertson, Principal, Klitenic Robertson PLLC, Washington, DC; Former Chief of Staff to the General
Counsel and Associate General Counsel for Science & Technology, U.S. Department of Homeland Security

9:00 am – 9:25 am

Homeland Security: The Year in Review

Gus Coldebella, Acting General Counsel, U.S. Department of Homeland Security, Washington, DC

9:25 am – 9:50 am

**The Future of the Department of Homeland Security and the 9/11 Commission Implementing
Legislation**

The Honorable Philip J. Perry, Partner, Latham & Watkins, Washington, DC; Former General Counsel, U.S.
Department of Homeland Security

9:50 am – 10:15 am

A View from Immigration and Customs Enforcement (ICE)

The Honorable Julie L. Myers, Assistant Secretary, U.S. Immigration and Customs Enforcement, Washington
DC

10:15 am – 10:30 am

Coffee Break

Foyer, Ballroom A/B/C

10:30 am – 11:45 am

Regulatory Developments for 2008

Ballroom A/B/C

Moderator:

Lisa Branch, Counselor to the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC

Panelists:

The Honorable Marc Kesselman, General Counsel, U.S. Department of Agriculture, Washington, DC

Joe Maher, Deputy General Counsel, U.S. Department of Homeland Security, Washington, DC

James O'Neill, Associate Deputy Secretary, U.S. Department of Health and Human Services, Washington, DC

The Honorable Jeffrey A. Rosen, General Counsel and Senior Policy Advisor, Office of Management and Budget, Washington, DC

12:00 pm – 1:30 pm

Luncheon

Monet Ballroom, Level Two

Keynote Address: The Honorable John Ashcroft, The Ashcroft Group LLC, Washington, DC; Former Attorney General of the United States

1:45 pm – 3:00 pm

Breakout Session A: Chemical & Rail Security Regulation – Harbingers of Things to Come In Other Industries?

The Quorum Room, Lobby Level

Moderator:

Joel Webber, Couri & Couri, Chicago, IL

Panelists:

James W. Conrad, Conrad Law & Policy Counsel, Washington, DC

Ava Harter, Corporate and Emergency Services and Security Counsel, Dow Chemical Company, Midland, MI

Brigham McCown, Shareholder, Winstead, PC, Washington, DC; Former Deputy Administrator, Pipeline and Hazardous Materials Safety Administration

Larry Stanton, Director, Chemical Security Compliance Division, U.S. Department of Homeland Security, Washington, DC

1:45 pm – 3:00 pm

Breakout Session B: State & Local Emergency Preparedness – National Response Framework: Will We Be Prepared the Next Time?

Ballroom A/B/C

Moderator:

Ernie Abbott, Principal, FEMA Associates, Washington, DC

Panelists:

Marko Bourne, Director, Office of Policy and Program Analysis, Federal Emergency Management Agency, U.S. Department of Homeland Security, Washington, DC

Thomas F. Hughes, Vice President of the National Security Telecommunications Advisory Committee, AT&T Communications Corp., Bedminster, NJ

Eleanor Kinney, Professor of Law, Indiana University School of Law, Indianapolis, IN

Ken Murphy, Director of Emergency Management for the State of Oregon, Salem, OR

Evan Wolff, Director, Homeland Security Practice, Hunton & Williams LLP, Washington, DC

3:15 pm – 4:30 pm

Breakout Session A: Homeland Security – The Law Enforcement Agenda for 2008

Ballroom A/B/C

Moderator:

Baruch Weiss, Partner, Arent & Fox, Washington, DC; Former Associate General Counsel for Border and Transportation Security, U.S. Department of Homeland Security

Panelists:

Rear Admiral William Baumgartner, Judge Advocate General, U.S. Coast Guard, Washington, DC

The Honorable Valerie Caproni, General Counsel, Federal Bureau of Investigation, Washington, DC

Michael Neifach, Principal Legal Advisor, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security, Washington, DC

The Honorable Kenneth Wainstein, Assistant Attorney General for National Security, U.S. Department of Justice, Washington, DC

3:15 pm – 4:30 pm

Breakout Session B: Business Continuity & Cyber Security for Corporations – the Challenges of Compliance

The Quorum Room, Lobby Level

Moderator:

Andy Purdy, President of DRA Enterprises, Inc.; Former Acting Director, National Cyber Security Division, US-CERT, BigFix Executive Advisory Board, Bethesda, MD

Panelists:

Larry Clinton, CEO, Internet Security Alliance (ISA), Arlington, VA

Robert Dix, Director of Government Affairs, Juniper Networks, Sunnyvale, CA

Andy Grosso, Andrew Grosso & Associates, Washington, DC

Mark Pastin, President, Council of Ethical Organizations/Health Ethics Trust, Alexandria, VA

4:30pm – 4:45pm

Coffee Break

Foyer, Ballroom A/B/C

4:45 pm – 5:15 pm

Keynote Address

Ballroom A/B/C

The Honorable Michael P. Jackson, Former Deputy Secretary, U.S. Department of Homeland Security

5:15 pm – 7:00 pm

Cocktail Reception

The Solarium

FRIDAY, JANUARY 18, 2008

8:00 am – 8:40 am

Continental Breakfast

Foyer, Ballroom A/B/C

8:40 am – 8:45 am

Welcome

Ballroom A/B

The Honorable Joe D. Whitley, Partner, Alston & Bird, LLP, Washington, DC, Conference Co-Chair; Former General Counsel, U.S. Department of Homeland Security

Lynne K. Zusman, President, Lynne K. Zusman & Associates, P.C., Washington, DC, Conference Co-Chair

Introductions of Moderators:

Chad Boudreaux, Special Counsel, Baker Botts LLP, Washington, DC; Former Deputy Chief of Staff, U.S. Department of Homeland Security

Paul Butler, Partner, Akin Gump, Washington, DC, Former Special Assistant (Chief of Staff) to the Secretary of the U.S. Department of Defense

Robert Housman, Principal, The Housman Group, Washington, DC

8:45 am – 9:15 am

Keynote Address

Ballroom A/B

The Honorable Tom Ridge, President and CEO, Ridge Global, LLC, Washington, DC; Former Secretary, U.S. Department of Homeland Security and Former Governor of Pennsylvania

9:20 am – 10:40 am

Breakout Session A: Critical Infrastructure & Foreign Investment: Did Congress Get It Right?

The Solarium

Moderator:

Dave Marchick, The Carlyle Group, Washington, DC

Panelists:

Stewart Baker, Assistant Secretary, Office of Policy, U.S. Department of Homeland Security, Washington, DC

Jessica Herrera-Flanigan, Staff Director/General Counsel, House Committee on Homeland Security, Washington, DC

Alan P. Larson, Senior International Policy Advisory, Covington & Burling, Washington, DC; Former Under Secretary of State for Economics and a Career Ambassador for the State Department

Richard Mintz, The Harbour Group, Washington DC

9:20 am – 10:40 am

Breakout Session B: The Business of Homeland Security: A Public & Private Sector Perspective on Procurement and Developing Homeland Security Technology & Services

Ballroom A/B

Moderator:

Angela Styles, Partner, Crowell & Moring, Washington DC

Panelists:

Brian Finch, Counsel, Dickstein Shapiro LLP, Washington DC

Christopher Furlow, Partner, The Pennant Group, Alexandria, VA; Former Executive Director, Homeland Security Advisory Council, U.S. Department of Homeland Security

Janet Hale, Director for Business Transformation, Public Sector Deloitte & Touche LLP, Washington DC; Former Under Secretary for Management, U.S. Department of Homeland Security

James Kemp, Co-Founder and Chief Operating Officer, Kemp Partners, Washington, DC

10:40 am – 10:50 am

Coffee Break

Foyer, Ballroom A/B/C

10:50 am – 12:00 pm

Breakout Session A: Immigration Policy and Legal Issues: Do All Roads Lead to a National Identity System and if so What are the Implications?

Ballroom Sections A/B

Moderator:

Robert Divine, Shareholder, Baker Donelson, Chattanooga, TN; Former Chief Counsel, U.S. Citizenship and Immigration Services

Panelists:

Chad Boudreaux, Special Counsel, Baker Botts LLP, Washington, DC; Former Deputy Chief of Staff, U.S. Department of Homeland Security

Jim Harper, Director of Information Policy Studies, CATO Institute, Washington DC

Nuala O'Connor Kelly, Chief Privacy Leader & Senior Counsel, General Electric Company, Washington DC; Former Chief Privacy Officer, U.S. Department of Homeland Security

Kathy Kraninger, Director Office of Screening Coordination, U.S. Department of Homeland Security, Washington DC

10:50 am – 12:00 pm

Breakout Session B: Homeland Defense: Roles and Responsibilities for the Military and Private Security

The Solarium

Moderator: **Paul Butler**, Partner, Akin Gump, Washington DC; Former Chief of Staff to the Secretary of Defense

Panelists:

Philip J. Crowley, Senior Fellow and Director of Homeland Security at the Center for American Progress, Washington, DC

The Honorable Joseph E. Schmitz, Chief Operating Officer & General Counsel, The Prince Group, McLean, VA

Christine E. Wormuth, Senior Fellow, International Security Program, Center for Strategic and International Studies (CSIS), Washington, DC

12:00 pm – 1:30 pm

Luncheon

Ballroom C/D

Keynote Address: The Honorable Bennie Thompson, Chairman, U.S. House of Representatives Committee on Homeland Security, Washington, DC

1:45 pm – 3:00 pm

Breakout Session A: Food Safety – Hardening Defenses Against Bioterrorism and Natural Disasters

Ballroom A/B

Moderator:

Nancy Bryson, Partner, Venable LLP, Washington DC

Panelists:

Dr. David W.K. Acheson, Assistant Commissioner for Food Protection, Food and Drug Administration, Washington DC

Michael Greenberger, Law School Professor & Director, Center for Health and Homeland Security, University of Maryland, Baltimore, MD

Steve Gruler, President, Global Quality Consultants, Newaygo, MI

Joe Reardon, North Carolina Department of Agriculture and Consumer Services, Raleigh, NC

1:45 pm – 3:00 pm

Breakout Session B: Maritime & Transportation Security – Lessons Learned Regarding Security and the Impact of the Transportation Workers Identification Credential

The Solarium

Moderator:

Jon Waldron, Partner, Blank Rome LLP, Washington DC

Panelists:

Denise Krepp, Senior Counsel, House Committee on Homeland Security, Washington DC

Kristyn Noeth, Office of General Counsel, American Petroleum Institute, Washington, DC

Rear Admiral James Watson, Director of Prevention Policy for Maritime Safety, Security, and Stewardship, U.S. Coast Guard, Washington, DC

Henry F. White, Jr., Executive Director, American Bar Association, Chicago, IL; Member, Department of Homeland Security's Advisory Committee on Commercial Operations of Customs and Border Protection

3:00 pm – 3:15 pm

Coffee Break

Foyer, Ballroom A/B/C

3:15 pm – 3:45 pm

Keynote Address

Ballroom A/B/C

The Honorable Paul McHale, Assistant Secretary for Homeland Defense and Americas Security Affairs, Department of Defense, Washington, DC

3:45 pm – 5:00 pm

The Private Sector and Homeland Security – General Counsels and Chief Security Officers

Ballroom A/B/C

Moderator:

The Honorable Joe D. Whitley, Partner, Alston & Bird LLP, Washington DC; Former General Counsel, Department of Homeland Security

Panelists:

John L. Howard, Senior Vice President and General Counsel, W.W. Grainger, Inc., Lake Forest, IL; Former Associate Deputy Attorney General

Allen W. Nelson, General Counsel, Crawford & Company, Inc., Atlanta, GA

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

The Honorable Jay B. Stephens, Senior Vice President and General Counsel, Raytheon Company, Waltham, MA; Former Associate Attorney General of the United States

Bart Szafnicki, Director of Security Global Operations, Turner Broadcasting Systems, Inc., Atlanta, GA

5:00 pm

Concluding Remarks

Ballroom A/B/C