



# The First 100 Days

Firm Event

May 3, 2017  
Washington, DC  
Washington, D.C.

On Wednesday, May 3rd Kelley Drye will host a full-day seminar covering the First 100 Days of the Trump Administration, where we will be joined by key administration officials and business leaders to discuss the President's early governing priorities and key policy initiatives. This event is by registration only. Please email [100Days@KelleyDrye.com](mailto:100Days@KelleyDrye.com) for registration information.

## PROGRAM PLENARY SPEAKERS

**Congressman Tom Reed (R-NY)**, U.S. House of Representatives

**Ann Marie Buerkle**, Acting Chairman, U.S. Consumer Product Safety Commission

**Congressman Steve Scalise (R-LA)**, Majority Whip, U.S. House of Representatives

**Maureen K. Ohlhausen**, Acting Chairman, U.S. Federal Trade Commission

**Norman J. Ornstein**, Resident Scholar, American Enterprise Institute; Contributing Editor, *The Atlantic*

## BREAKOUT SESSIONS

1:30 – 2:00

### Cybersecurity - Beyond Russia and WikiLeaks

The first 100 days of the Trump administration have underscored the many ways that nation states and other hackers stalk and exploit organizations' cyber vulnerabilities. But is there such a thing as "reasonable" security preparedness when facing attacks that some have called a cyber act of war? Yes, according to the Federal Trade Commission, which has spent over a decade issuing privacy and data security business guidance, and has brought over 100 law enforcement actions for alleged problematic privacy and security practices. This panel discussion will delve into these topics, and address the FTC's policy priorities on privacy and security going forward. (Eligible for .5 CLE credits)

**Maneesha Mithal**, Associate Director, Division of Privacy and Identity Protection, Bureau of Consumer Protection, U.S. Federal Trade Commission

**Gerasimos Stellatos**, Director, Mandiant Consulting

**Alysa Z. Hutnik**, Partner, Kelley Drye & Warren LLP

## The Trade Agenda in the Trump Administration

What are the key elements of the Trump Administration's trade agenda? How will the traditional trade agencies (the U.S. Trade Representative and the Department of Commerce) work with Trump's newly-formed National Trade Council. Which key policy initiatives will each agency oversee? Will there be a shift in policy roles between the White House and the agencies? How will the Administration work with Congress, our trading partners and the World Trade Organization?

**Everett Eissenstat**, Chief International Trade Counsel, U.S. Senate Finance Committee

**Viji Rangaswami**, Vice President, Federal Affairs, Liberty Mutual Insurance

**Paul C. Rosenthal**, Partner, Kelley Drye & Warren LLP

## Congress - A Bridge and a Barrier to Infrastructure Development

Of the Trump Administration's top priorities, addressing America's aging infrastructure is perhaps the most widely supported. Broad support, however, did not rescue this agenda item from controversy. In fact, the abundant stakeholder support for infrastructure development has led to a similarly outsized abundance of conflicting ideas about what we need to fix and how we intend to pay for it. Congress sits squarely in the middle of this emerging controversy. Its purse strings and legislative authority provide the means to invest in infrastructure and many of the permitting/analytical requirements that Congress has previously placed on States are considered barriers to investment. This session will explore Congress's unique role in infrastructure development and investment.

**Congressman Garret Graves (R-LA)**, House Committee on Transportation and Infrastructure; Chairman, Subcommittee on Water Resources and Environment

**Philip K. Bell**, President, Steel Manufacturers Association

**William J. Jackson**, Partner, Kelley Drye & Warren LLP

2:00 – 3:00

## The Future of Consumer Financial Protection

CFPB, FTC, fifty states and plaintiffs' lawyers have shared responsibility for enforcement of consumer financial protection laws since 2010. Credit card fees, collection practices, rate regulations, penalty exposure have changed. This session will consider these dynamics and discuss what to expect in the years ahead. (Eligible for 1.0 CLE credit)

**Thomas Pahl**, Acting Director, Bureau of Consumer Protection, U.S. Federal Trade Commission

**Todd Zywicki**, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia School of Law, and Executive Director, George Mason University Law and Economics Center

**Dana B. Rosenfeld**, Partner, Kelley Drye & Warren LLP

## U.S. Trade Remedy Laws - A Stronger Weapon Against Imports?

Trade remedy laws traditionally have been the last line of defense for U.S. manufacturers and workers harmed by unfair imports. The Trump administration has signaled to foreign manufacturers that the U.S. government will more aggressively combat unfair trade practices. Have recent

Administration actions signaled a change to past trade enforcement policies? Should U.S. manufacturers be looking for opportunities to engage more readily in the trade remedy process? This panel will discuss the opportunities and challenges presented by the administration's stance and what actions companies should consider taking to maintain a level playing field.

**Rhonda K. Schmidlein**, Chairman, U.S. International Trade Commission

**Terrence Hartford**, Vice President, Allegheny Technologies, Inc.

**Kathleen W. Cannon**, Partner, Kelley Drye & Warren LLP

## The Road Ahead for Public Private Partnerships

President Trump is calling for a \$1 trillion investment in U.S. infrastructure over the next four years and a large part of that will come in the form of public private partnerships. What forms will these P3s take and what are the opportunities and precautions for finance and investment firms, engineering and construction firms and other industries in the P3 pipeline?

**Major General John Peabody (Ret.)**, Senior Vice President and Director of Federal Programs, Mott MacDonald

**General Joe Schroedel, P.E., F.SAME, USA (Ret.)**, Executive Director, Society of American Military Engineers

**Dr. Barry Scribner**, International Director and Co-President of Public Institutions, Jones Lang LaSalle Incorporated

**David T. Hickey**, Partner, Kelley Drye & Warren LLP

3:15 – 3:45

## Competition Enforcement - From Professional Associations to Megamergers

Every law enforcement action that the FTC brings involving a merger, a monopoly or a competitive practice has to go through the Bureau of Competition. From energy to groceries to health care to occupational licensing, the Bureau will have its say. Tad Lipsky, a widely respected antitrust authority, now directs that Bureau. His credentials include stints as Deputy Assistant Attorney General at the Antitrust Division of the Department of Justice, and Co-Chair of the International Task Force of the Antitrust Section of the ABA. He will report on the Bureau's actions and priorities, and he will take questions from the audience. Bill MacLeod, who heads Kelley Drye's Antitrust Practice group and chairs ABA's Antitrust Section will engage with Mr. Lipsky on some of the hot topics in competition law today. (Eligible for .5 CLE credit)

**Abbott (Tad) Lipsky**, Acting Director, Bureau of Competition, U.S. Federal Trade Commission

**William C. MacLeod**, Partner, Kelley Drye & Warren LLP and Chair of the American Bar Association's Antitrust Section

## The China Puzzle

Trump has been an outspoken critic of China's trade practices and promised to label them as a currency manipulator and impose higher duties on Chinese imports. What are the potential outcomes of aggressive action against China? Would China restrict the access of American companies to the Chinese market? Would they disrupt the supply chains that many U.S. manufacturers have come to rely on? We will also take a look at China's request for market economy

status and the future of the U.S.-China Bilateral Investment Treaty (BIT).

**Derek Scissors**, Resident Scholar, American Enterprise Institute

**Rory MacFarquhar**, Visiting Fellow, Peterson Institute for International Economics

## 5G and the Internet of Everything

Among the biggest tech changes on the horizon is the advent of 5G wireless networks. 5G wireless technology will power the Internet of Things (IoT) – both industrial and consumer – and the ever increasing connectivity of people through a growing array of devices. This breakout session will provide a quick primer on the technology, identify use cases ranging from smart factories to smart wearables, and potential legal and regulatory issues ranging from spectrum allocation and sharing, infrastructure, and more. (Eligible for .5 CLE credit)

**Neşe Guendelsberger**, Acting Chief, Wireless Telecommunications Bureau, U.S. Federal Communications Commission

**Chip Yorkgitis**, Partner, Kelley Drye & Warren LLP

3:45 – 4:15

## Who's Watching Your Ads

The previous administration kept many advertisers up at night with its regulations, aggressive enforcement, and record-breaking penalties. The Trump Administration has hinted at a more business-friendly approach, but that doesn't necessarily mean that advertisers can rest easy. This session will explore some of the issues advertisers faced over the past eight years and how those issues may evolve now.

**Gonzalo E. Mon**, Partner, Kelley Drye & Warren LLP

3:45 – 4:30

## Adapting Your Business Strategies to the New Administration's Trade Policies

Business leaders and economists will discuss the potential implications of the Trump administration's trade policies and how companies can strategically plan for the next four years. Topics will include: the future of NAFTA; the potential implications of a VAT/border tax; supply chain management for companies with global sourcing dependencies; buy American/hire American mandates; the potential for a resurgence in U.S. manufacturing; predicting changes in sanctions and embargo programs; and Customs enforcement trends.

**Scott Miller**, Senior Adviser and Scholl Chair in International Business, Center for Strategic and International Studies

**Ruchi Bhowmik**, Senior Vice President, PepsiCo

**Shannon S. Herzfeld**, Vice President, Government Relations, Archer Daniels Midland Company

**Laurence J. Lasoff**, Partner, Kelley Drye & Warren LLP

## The Outlook for TCPA

Litigation under the Telephone Consumer Protection Act (TCPA) – the federal consumer privacy

statute that regulates calling, texting and faxing—has become a cottage industry for plaintiffs' lawyers in recent years, and the TCPA continues to be the number one complaint area for the FCC. In 2015, the FCC stepped back into TCPA matters in a big way, and challenges to two of its decisions were argued before the Court of Appeals in late 2016. With the shift in administrations has come a shift in approaches to how to address TCPA violations and how to protect legitimate interaction by businesses with their customers. This session will assess where the TCPA appeals stand, the state of class action litigation and discuss where the Pai FCC is likely to take TCPA rules and enforcement in the coming months. We also will discuss the possibility of legislative updates to the 25-year-old Telephone Consumer Protection Act. (Eligible for .5 CLE credits)

**Lauri A. Mazzuchetti**, Partner, Kelley Drye & Warren LLP

4:30 – 5:00

## **FDA Regulation and Healthcare: Key Issues**

This session features analysis and discussion with leading food policy experts relative to the likely priorities for the next FDA Commissioner, FSMA implementation, nutrition labeling, inspections, and enforcement. (Eligible for .5 CLE credits)

**Daren Bakst**, Research Fellow in Agricultural Policy, Center for Free Markets and Regulatory Reform, Institute for Economic Freedom and Opportunity, The Heritage Foundation

**Kristin Pearson Wilcox**, Principal, Pearson Wilcox Advocacy

## **Action and Reaction: Employment Deregulation in the Trump Era**

Understanding the impact of the Trump administration on labor and employment law is not as simple as assuming that eight years of Obama-administration progressive policy and social activism will be rolled back (though that is a potential element). Just as important are state, local and private reaction and resistance to what many perceive will be an anti-labor, anti-civil rights administration. The session will examine the short- and longer-term changes employers should expect to federal regulation of the workplace, as well as the state and local efforts to stop it. (Eligible for .5 CLE credits)

**Barbara E. Hoey**, Partner, Kelley Drye & Warren LLP

**Mark A. Konkol**, Partner, Kelley Drye & Warren LLP

## **Evolving Federal and State Environmental Priorities**

While President Trump's actions under the Clean Air Act have grabbed the most headlines, presidential priorities under the Clean Water Act are no less important. EPA's Acting Assistant Administrator of the Office of Water, Mike Shapiro, will provide an overview of the Agency's clean water priorities, including plans for investing in our nations drinking water and wastewater infrastructure. Then, Washington, D.C. Attorney General Karl Racine will speak on the role of states in responding to the evolving federal agenda; in filling voids created as the federal government shifts more regulatory and enforcement obligations to States; and how changes in federal EPA's approach to clean water may impact local environmental priorities, including the Anacostia River. (Eligible for .5 CLE credits)

**Karl Racine**, Attorney General for the District of Columbia

**Michael H. Shapiro**, Acting Assistant Administrator, Office of Water, U.S. Environmental Protection Agency

**William M. Guerry, Jr.**, Partner, Kelley Drye & Warren LLP

5:00 – 7:00

## **COCKTAIL RECEPTION**

Watergate Rooftop

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