

Section of Public Contract Law  
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Chicago, Illinois 60610-4714

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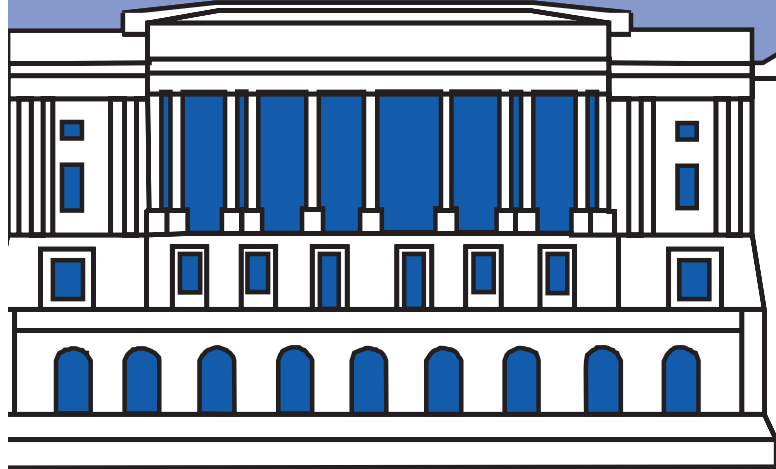


American Bar Association  
Section of  
Public Contract Law



**An Inside Look  
at the  
Legislative Impact  
on Government Contracting:**

A Practical Guide  
to Helping Your Clients  
Survive and Prosper



**April 28-29, 2005**

Grove Park Inn Resort and Spa  
Asheville, North Carolina

In a first of its kind program, you'll get an insider's view of **how procurement policy and laws are shaped and appropriations made**. This program will provide you invaluable understanding of the **players, institutions, and dynamics** of how the legislative system really works. Program speakers with a broad spectrum of interests and expertise will present **practical guidance** on how your clients can utilize legislative tools to best advantage or prevent them from damaging your clients' business. Representatives from **Congressional Committees, Executive Branch, Industry Associations, Law Firms and Companies** will offer insights on:

- How you can best use your **elected officials** to assist your clients.
- How to identify when you need help and where you can find the help you need.
- How **industry association lobbying** fits with an overall lobbying strategy.
- How you know if your clients' money is getting well spent.
- How **small companies** can protect themselves and legitimately get full advantage out of the legislative system.
- How this legislative dynamic works at the **state level**.
- How **Congressional oversight** works and how it can affect your clients' programs.
- How your clients' concerns can be heard by the Executive and Legislative branches without running afoul of statutory restrictions.

An **optional Thursday evening practicum** will review **State and Local Political and Lobbying Issues in the Procurement Process**.

Among the practical legislative issues that will be addressed during the **Friday program** are:

- **The Players and the Rules**  
A **review of the legislative process** as it pertains to government procurement, the players and their roles, and the role of industry associations.
- **Purchasing Goods and Services and Setting Policy**  
The **fundamentals of the Authorization and Appropriations** process, along with their purpose and inter-relationships.

- **Congressional Control over the Procurement Process**

The historical role of **oversight**, what is required by law, limits on the process, the proper level of oversight, and special problems that are created for agencies and contractors.

- **Socio-economic Legislation**

Problems created by special requirements and **social engineering by Congress**, with a focus on the Buy American Act, Berry Amendment, and foreign outsourcing restrictions.

- **Life after Druyun**

A review of **restrictions on lobbying** the Executive and Legislative branches as well as **post-employment restrictions** on former government officials and potential employers in the wake of the Darleen Druyun scandal.

Prepared with both **novices and experienced practitioners and procurement professionals** in mind, this program will offer the opportunity to learn both **how the legislative system works** and **how to work within the system**.

## PROGRAM

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**Thursday, April 28, 2005**

5:30 p.m. to 7:00 p.m.

### **Optional Practicum: State and Local Political and Lobbying Issues in the Procurement Process**

Experienced practitioners from two states will discuss how political and legislative forces can impact state procurements, sometimes not for the better.

- What are the dynamics at the state capitol?
- What role does politics play in the procurement process?
- How are procurement policy and spending priorities set at the state level?

**Craig K. Davis**, *Moderator*  
Craig K. Davis PC  
Columbia, SC

**Rufus L. Edmisten**  
Edmisten & Webb  
Raleigh, NC

**Delbert Singleton**  
South Carolina Budget and Control Board  
Columbia, SC

**A nominal fee of \$40 will be charged to help defray additional program costs for audio-visual, CLE, written materials, and refreshments.**

## PROGRAM

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**Friday, April 29, 2005**

7:30 a.m. to 8:15 a.m.

### **Registration**

8:15 a.m. to 8:30 a.m.

### **Welcome—Annual and Quarterly Programs Co-Chairs**

**Mark D. Colley**  
Holland & Knight LLP  
Washington, DC

**Craig K. Davis**  
Craig K. Davis PC  
Columbia, SC

**Judge Eileen P. Fennessy**  
Department of Transportation Board of  
Contract Appeals  
Washington, DC

**Scott E. Pickens**  
Pillsbury Winthrop, LLP  
Washington, DC

### **Introduction—Spring Program Co-Chairs**

**Susan Chadick**  
Defense Logistics Agency  
Arlington, VA

**Paul B. Haseman**  
Raytheon Company – Space Systems  
Aurora, CO

**John J. Pavlick**  
Venable LLP  
Washington, DC

8:30 a.m. to 10:00 a.m.

### **The Players and the Rules**

- What are the dynamics among the legislative and executive branches and the private sector in setting procurement policy and specific programs?
- Who are the players and how do they operate?
- What are the limitations on industry and specific company lobbying efforts?
- How are government needs met within the context of general policy and specific program constraints?

# PROGRAM

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**Michael J. Ferrell**, *Moderator*

Venable LLP  
Washington, DC

**Cathleen D. Garman**

Senior Vice President, Public Policy  
Contract Services Association of America  
Arlington, VA

**James Desmond**

Lockheed Martin Corporation  
Arlington, VA

**William B. Montalto**

Special Counsel, House Small Business Committee  
Office of Rep. Peter Hoekstra  
Washington, DC

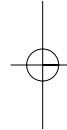
10:00 a.m. to 10:15 a.m.

## Break

10:15 a.m. to 11:45 a.m.

## Purchasing Goods and Services and Setting Policy— The Appropriations and Authorization Process

- Which Congressional committees are part of the process and what are their roles?
- What is the role of the Government Accountability Office in the legislative process?
- How does lobbying and issue advocacy impact the system?
- How do agencies interact with Congress when it comes to supporting legislation and defending appropriation requests?



**John M. Clerici**, *Moderator*

McKenna Long & Aldridge LLP  
Washington, DC

**Thomas H. Armstrong**

Assistant General Counsel for Appropriations Law  
Government Accountability Office  
Washington, DC

**Powell A. Moore**

Outgoing Assistant Secretary of Defense  
for Legislative Affairs  
McKenna Long & Aldridge LLP  
Washington, DC

## PROGRAM

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12:00 noon to 1:30 p.m.

### Luncheon

Presiding:

**Robert L. Schaefer**, *Chair-Elect*  
Section of Public Contract Law  
Teledyne Technologies, Inc.  
Los Angeles, CA

Speaker:

**Hon. Daniel E. Lungren (R, CA)**  
U.S. House of Representatives  
Washington, DC

1:45 p.m. to 2:45 p.m.

### Congressional Control over the Procurement Process: Reform and Oversight

- What is the historical role of Congressional oversight?
- How do you report what is required by law—and what shouldn't you report?
- What are the limits on oversight—both practical and political?
- What are the headaches from Congressional oversight—for agencies and contractors?

**Christopher R. Yukins**, *Moderator*  
Associate Professor of Government Contracts Law  
The George Washington University Law School  
Washington, DC

**John Brosnan**  
Professional Staff Member  
House Committee on Government Reform  
and Oversight  
Washington, DC

**Alan Chvotkin**  
Senior Vice President and Counsel  
Professional Services Council  
Arlington, VA

**Michael Lofgren**  
Professional Staff Member  
Senate Budget Committee  
Washington, DC

2:45 p.m. to 3:00 p.m.

### Break

## PROGRAM

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3:00 p.m. to 4:00 p.m.

### Socio-economic Legislation—The Domestic Preference Morass

- The role of Congress: Where is the line between setting policy and micromanagement of procurement?
- What is the outlook for domestic preferences legislation in the current session of Congress and beyond?
- The impact of origin legislation on defense cooperation and international relations: Do sourcing law and policy play a role in rebuilding cooperation with allies after the Iraq War?

**David W. Burgett**, *Moderator*  
Hogan & Hartson LLP  
Washington, DC

**William R. Hawkins**  
Senior Fellow for National Security Studies  
U.S. Business and Industry Council  
Washington, DC

**Levator Norsworthy, Jr.**  
Deputy General Counsel (Acquisition)  
Department of the Army  
Washington, DC

**Joe Tasker, Jr.**  
Senior Vice President, Government Affairs  
and General Counsel  
Information Technology Association of America  
Arlington, VA

4:00 p.m. to 4:15 p.m.

### Break

4:15 p.m. to 5:15 p.m.

### Life after *United States v. Darleen A. Druyun*—Restrictions on Lobbying and Dealing with Government

- Can contractors get caught in the Government's revolving door?
- How are Capitol Hill and the Executive branch reacting?
- How can you audit post-government hiring practices?
- What are the restrictions on lobbying?

**David L. Fowler**, *Moderator*  
Raytheon Company  
Arlington, VA

**Terry L. Ellig**  
Venable LLP  
Washington, DC

## PROGRAM

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**Sandra K. Stuart**  
Clark & Weinstock  
Washington, DC

5:30 p.m. to 7:30 p.m.  
**Cocktail Reception**

We gratefully acknowledge the contributions from the following firms to help defray the costs of all of the Section's quarterly Receptions this year:

**Arent Fox PLLC**  
**Arnold & Porter**  
**Crowell & Moring LLP**  
**DLA Piper Rudnick Gray Cary USA LLP**  
**Doyle & Bachman LLP**  
**Fried, Frank, Harris, Shriver & Jacobson LLP**  
**Gibson, Dunn & Crutcher LLP**  
**Greenberg Traurig, LLP**  
**Hogan & Hartson LLP**  
**Holland & Knight LLP**  
**Howrey Simon Arnold & White, LLP**  
**Jenner & Block LLP**  
**Kilpatrick Stockton LLP**  
**Latham & Watkins LLP**  
**Mayer, Brown, Rowe & Maw**  
**McAleese & Associates, P.C.**  
**McKenna Long & Aldridge LLP**  
**Miller & Chevalier Chartered**  
**Morrison & Foerster LLP**  
**Navigant Consulting, Inc.**  
**Oldaker Biden and Belair, LLP**  
**Pepper Hamilton LLP**  
**Perkins Coie LLP**  
**Pillsbury Winthrop, LLP**  
**Powell, Goldstein, Frazer & Murphy LLP**  
**Preston Gates & Ellis LLP**  
**Reed Smith LLP**  
**Rifkin, Livingston, Levitan & Silver, LLC**  
**Rogers Joseph O'Donnell & Phillips**  
**Seyfarth Shaw LLP**  
**Shaw Pittman LLP**  
**Smith, Currie & Hancock LLP**  
**Smith, Pachter, McWhorter & Allen, P.L.C.**  
**Spriggs & Hollingsworth**  
**Steptoe & Johnson LLP**  
**Thelen Reid & Priest LLP**  
**Venable LLP**  
**Watt, Tieder, Hoffar & Fitzgerald, L.L.P.**  
**Wickwire Gavin, P.C.**  
**Wiley, Rein & Fielding LLP**  
**Womble Carlyle Sandridge & Rice**

## SECTION COUNCIL MEETING

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On **Saturday, April 30, from 8:30 a.m. to 12:00 noon**, at the Grove Park Inn Resort & Spa, the Council of the Section of Public Contract Law will meet in **open** session to discuss issues of current importance to government contracts practitioners. All members and registrants for the Friday program are welcome.

**Please complete and return the Registration Application if you will attend the Saturday Council Meeting.**

## CLE CREDIT

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Accreditation has been requested for this program from every state (including California and Pennsylvania) with mandatory continuing legal education (MCLE) requirements for lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE." Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to the PACLE. Please be prepared to remit payment to the PACLE (\$2 per credit hour or any portion thereof) after the program. Certificates of attendance will be available at the conclusion of the program for both attendees and speakers. If you have questions about the number of credit hours granted by each state, you may call 312-988-5522, starting 2 to 3 weeks before the program.

## CANCELLATION POLICY

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The registration fee includes all scheduled coffee breaks, program luncheon, Friday cocktail reception and a bound manual of speakers' written presentations.

Requests for refund must be made in writing and received in the Section of Public Contract Law's office on or before April 22, 2005. **Refund requests received after April 12 will be reduced by a \$25 administrative fee.** Substitutions may be made at any time.

***If you complete a registration form and fax it to the Section office, the transaction is considered a firm commitment, and you will be expected to pay the registration fee even if circumstances prevent you from attending the conference.***

**NO refunds will be made after April 22, 2005.**

## HOTEL INFORMATION

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Where the shimmering Blue Ridge and Great Smokies meet is the grand mountain resort—The Grove Park Inn Resort and Spa—located at 290 Macon Avenue in Asheville, North Carolina. Listed on the National Register of Historic Places, the hotel can only be described as “one of America’s truly legendary resorts.”

Guest room amenities include in-room coffee makers with complimentary coffee, telephone with dataport and voice mail, full-size ironing boards and irons, and hair dryers. The Sports Complex—complimentary to hotel guests—features a weight room, cardiovascular exercise equipment, Stairmaster and indoor swimming pool. Numerous programs are available for children aged 4-12 at the Sports Complex. The magnificent Spa at the Grove Park Inn features numerous packages including several distinctive treatments designed exclusively for the Spa at the Grove Park Inn. Individuals interested in Spa treatments should make reservations in advance of their arrival by calling 1-800-438-5800.

Asheville/Hendersonville Airport is an 18-mile drive of approximately 20-30 minutes to Grove Park Inn. Shuttle service is available for \$30 per person each way from Asheville Airport for those who prefer not to rent a car, and may be arranged through **advance reservation and credit card guarantee** with Airport Ground Transportation Special Occasion shuttle by calling 828-681-0051. Their desk is located near the baggage claim area at the airport. YCS Group (800-438-5800, ext. 4098) also provides van service between the airport and the hotel for \$32 per person each way. **YCS will fax a form to be completed and returned to them before a confirmed reservation can be made.** Asheville can also be reached by flights into Greenville, South Carolina Airport, a 60-mile drive to the Grove Park Inn.

Room rates at the Grove Park Inn Resort and Spa are \$179, single or double, plus 10% state tax per room per night. Self-parking is complimentary for all guests. You may reserve your accommodations by calling the Grove Park Inn Resort directly at 800-438-5800, identifying the **ABA Public Contract Law 2005 Spring Meeting** room block, and guaranteeing your reservation by credit card or deposit check. Rooms will be available for check-in no later than 4:00 p.m. with a check-out time of 11:00 a.m. Early arrivals or late departures will be booked on an availability basis. **Individuals with guaranteed reservations must cancel their reservations 72 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.**

**To ensure sleeping room availability at the Grove Park Inn Resort and Spa for participants in the April 29 program, requests for reservations on April 27 and 28 will be given on a priority basis to speakers and registrants.**

**Make your reservations NOW. The hotel will release the room block on TUESDAY, MARCH 29, 2005.**

## SPECIAL AIRLINE DISCOUNTS

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You are encouraged to make your airline reservations on the ABA Online Travel site where you automatically receive ABA airfare discounts from a variety of carriers and can view and purchase other low fare options including web fares. ABA Online Travel can be accessed from the navigation bar on the left of the ABA web site home page. It takes only a few moments to establish a username and password allowing you to immediately book your reservations. ABA Online Travel provides you with a quick and easy way for obtaining the most cost effective airline reservations. Visit <http://wcp.getthere.net/abaonlinetravel> or [www.abanet.org](http://www.abanet.org).

Reservations can also be made with the ABA travel agent, Jennifer Slago, who also can automatically provide ABA airfare discounts. Jennifer can be contacted via email, [jennifers@towertravel.com](mailto:jennifers@towertravel.com) or by direct phone number at 312-988-5862.

ABA Discounted Meeting Airfares are available through your travel agent or directly from the airline. Following are the ABA discount codes under which your reservations need to be purchased in order to receive either the ABA percentage discount or zone fare.

- **American Airlines** **800-433-1790**  
**ABA Code: 17715**
- **Delta Air Lines** **800-241-6760**  
**ABA Code: 207843A**
- **US Airways** **877-874-7687**  
**ABA Code: 65163236**

## COMING ATTRACTIONS

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**AUGUST 5–8, 2005**

**Annual Educational Programs, Open Council Meeting and Section’s 40th Anniversary Celebration Luncheon**  
INTERCONTINENTAL CHICAGO, CHICAGO, IL

**NOVEMBER 10–12, 2005**

**Fall Educational Program and Open Council Meeting**  
HILTON SEDONA RESORT & SPA, SEDONA, AZ

**MARCH 2–4, 2006**

**12th Annual Federal Procurement Institute and Open Midyear Council Meeting**  
LOEWS ANNAPOLIS HOTEL, ANNAPOLIS, MD

**AUGUST 4–7, 2006**

**Annual Educational Programs and Open Council Meeting**  
HILTON HAWAIIAN VILLAGE, HONOLULU, HI

# REGISTRATION APPLICATION

Send directly to:

Marilyn M. Neforas  
American Bar Association  
321 North Clark Street, Room 19033  
Chicago, Illinois 60610  
312-988-5596 — Fax: 312-988-6033

Please register the following person for the *Public Contract Law (PCL) Section* program on **An Inside Look at the Legislative Impact on Government Contracting: A Practical Guide to Helping Your Clients Survive and Prosper** on Friday, April 29, 2005, at the Grove Park Inn Resort and Spa in Asheville, North Carolina.

- 1 Registration Fee:
- \$240 PCL Section Member or Associate
  - \$195 Government Employee PCL Section Member
  - \$215 Other Government Employee
  - \$295 ABA Member, PCL Non-Member
  - \$320 Non-ABA Member
- 2 and/or
- \$40 Thursday, April 28, Practicum
  - Free Friday, April 29, Cocktail Reception \*
  - Free Saturday, April 30, Council Meeting

**For reservations postmarked or faxed after April 22, 2005, and for walk-in registrants, add \$25 to each fee category.**

- 3 Name \_\_\_\_\_  
(please print or type)

ABA Member No. \_\_\_\_\_

Firm/Agency/Company \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Email \_\_\_\_\_

- 4  Enclosed is my check, made payable to the **American Bar Association/PCL**, for \$\_\_\_\_\_.  
 Government purchase/training order enclosed.  
 Charge \$\_\_\_\_\_ to my Credit Card:  
 Visa  MasterCard  AmEx  
Card Number: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_  
Signature: \_\_\_\_\_

- 5 **Please note: Information provided on this registration form will be published in an attendee roster that will be distributed to meeting attendees.**

- Please do not list my name and contact information in the registration roster.**
- Please do not list my e-mail address in the registration roster.**
- Please send me information on becoming a member or associate of the:  American Bar Association  
 Public Contract Law Section  
 I am an attorney  I am not an attorney

