



DRAFT AGENDA
ANSI LEGAL ISSUES FORUM
 Thursday, November 14, 2024

National Housing Center, Washington DC | Virtual via Zoom

ANSI's 2024 Legal Issues Forum (LIF) will focus on three hot topics for the standards community: the implications of the Supreme Court ruling in Loper Bright; the evolving legal framework and developments surrounding the incorporation by reference (IBR) of standards into legislation; and the landscape of data security regulations, practices, and standards. The LIF is expected to draw a broad group of legal experts, standards professionals, corporate leaders, and other stakeholders interested in the intersection of law, innovation, and standardization.

Time	Discussion and Speakers
10:00	Registration and Breakfast
10:40–10:45	Welcome
10:45–12:30	<p style="background-color: #0070C0; color: white; padding: 5px;">Panel 1: Navigating the Impact of the Supreme Court's <i>Loper Bright</i> Decision</p> <p>The recent Supreme Court ruling in <i>Loper Bright</i> overturns the Chevron deference doctrine—a principle that has long constrained courts’ authority to set aside agency regulations. This decision is expected to reshape the landscape of administrative law, particularly in how courts assess agency interpretations of statutes, and affect regulatory practices across various industries. This panel will explore the potential consequences of this landmark ruling on the development and application of standards in regulation, and the evolving relationship between the judiciary, regulatory bodies, and the standards community.</p> <p>Moderator: Harley L. Geiger, Counsel, Venable LLP</p> <p>Panelists:</p> <ul style="list-style-type: none"> • Thomas A. Berry, Director, Robert A. Levy Center for Constitutional Studies, Cato Institute • Kristin Hickman, McKnight Presidential Professor in Law, University of Minnesota Law • Cameron F. Kerry, Ann R. and Andrew H. Tisch Distinguished Visiting Fellow, The Brookings Institution • Richard Pierce, Lyle T. Alverson Professor of Law, George Washington Law • Michael E. Herz, Arthur Kaplan Professor of Law, Cardozo School of Law <p><i>Audience Q&A to follow.</i></p>

12:30–12:45	Break
12:45–1:45	<p>Lunch Discussion: New Legal Developments Impacting the Practice of Incorporation by Reference</p> <p>This LIF panel is the second in a series covering the increasing risk of loss of copyright protection for standards that are incorporated by reference into regulation. Through the practice of incorporation by reference, government agencies reference external standards developed by private organizations and, up until now, have protected the SDO’s copyright in the documents incorporated by reference. The SDOs, in turn, have made these standards “reasonably available” to the class of persons impacted by the regulation. While that approach has worked well for decades, some argue that standards incorporated by reference into regulations should be provided to everyone for free on the internet. This panel will analyze the current legal landscape, including recent decisions on point from United States Court of Appeals for the District of Columbia Circuit and the United States Court of Appeals for the Fifth Circuit, the status of proposed legislation to address the IBR issue and other ideas for minimizing the risk of copyright challenges to IBR’d standards.</p> <p>Panelists:</p> <ul style="list-style-type: none"> • Kevin Fee, Partner, DLA Piper • Miriam Vincent, Senior Staff Attorney, Legal Affairs and Policy, Office of the Federal Register
1:45-2:00	Break
2:00–3:45	<p>Panel 2: What the Standards Community Needs to Know about Data Security Regulations, Practices and Standards</p> <p>An increasingly complex digital environment is profoundly altering how businesses operate and compete today, raising the stakes associated with protecting and securing data assets. The impact of threats to data security is being felt across multiple sectors – healthcare, financial services, manufacturing – as well as in corporate and government supply chains. Enterprises are creating, manipulating and storing an ever-increasing amount of data, driving a greater need for data governance. Computing environments have also become more complex, routinely spanning the public cloud, the enterprise data center and numerous edge devices such as Internet of Things (IoT) sensors, robots and remote servers. This complexity increases the risk of cyberattacks, making it harder to monitor and secure these systems. This LIF panel will explore the regulatory and legal frameworks that are being put in place to address and mitigate data security risks, and the role of standards and conformity assessment in enhancing data security.</p> <p>Moderator: Matthew Travis, CEO, The Cyber AB</p> <p>Panelists:</p> <ul style="list-style-type: none"> • Randy Gross, Chief Information Security Officer, CompTIA • Alex Joel, Senior Project Director and Adjunct Professor, American University Washington College of Law • Brandon Pugh, Policy Director and Resident Senior Fellow, Cybersecurity and Emerging Threats, R Street Institute • Ron Ross, Fellow, NIST • Sarah Scafidi, Managing Director, Security Advisory, SentinelOne • Justin Sherman, Adjunct Professor, Sanford School of Public Policy, Duke University <p><i>Audience Q&A to follow.</i></p>
3:45–4:00	Closing and Adjournment