

# Homeland Security Law Training Program

## Course Descriptions

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**Introduction to the Office of General Counsel** – A description of how the OGC perceives its role in supporting the components' efforts to secure the homeland, now and in the future. An illustration of the OGC's relationships with components and other constituent agencies will be presented.

**Overview of the Homeland Security Act** – An analysis of key components of the Homeland Security Act of 2002. A special focus will highlight portions of the law that relate to cyber security, critical infrastructure protection, intelligence law (intelligence collection, analysis, and dissemination and information sharing), and developments within the Science and Technology directorate.

**Law Enforcement Authorities of DHS** – a review of the pivotal roles and responsibilities of the USSS, CBP, TSA, USCG, ICE and DHS Operations and Enforcement in homeland security law. A brief overview of the statutory authority and operational capabilities of these agencies as well as the major roles played by each agency with regards to domestic law enforcement.

**Regulations and Legislative Affairs** - An overview of two core areas of responsibility within the Office of General Counsel: 1) the development, review, and clearance of regulations and 2) the development and review of legislation. This presentation will provide the framework of the statutes, Executive Orders, and other authorities governing the federal rulemaking process, including the Administrative Procedure Act and Executive Orders 12866 & 13563. As well, we will provide an overview of how rules are handled within DHS and the OMB interagency process for regulatory actions. This presentation will also cover the Department's process for legislative proposals and developing views on legislation, and an introduction to OMB Circular A-19 (interagency coordination). We will also detail interactions with Congress and review recent legislative events.

**Information Sharing and Safeguarding Law** - A survey of statutory and executive authorities and departmental policy concerning the sharing and safeguarding of information within and outside DHS, including the National Security Act of 1947, the Homeland Security Act of 2002, the Intelligence Reform and Terrorism Prevention Act of 2002, the Privacy Act of 1974, the Freedom of Information Act, and Executive Orders Nos. 12,333, 13,388, 13,526, and 13,587.

**Cyber Security and Infrastructure Protection** – This course will introduce the student to authorities to conduct activities relating to infrastructure protection and cyber security found in the Section 201 of the Homeland Security Act, Executive Order, and Policy and will cover the Department's authority to share information with the private sector, conduct comprehensive vulnerability and risk assessments, and protect critical infrastructure pursuant to the National Infrastructure Protection Plan. Students will also be introduced

to the Department's cyber security functions and authorities, including the Secretary's authority to maintain an organization to serve as a focal point for the security of cyberspace from Homeland Security Presidential Directive-7; and National Security Presidential Directive (NSPD)-54/Homeland Security Presidential Directive (HSPD)-23, which directs the Secretary to lead the national effort to protect, defend, and reduce vulnerabilities of Federal systems.

**Use of Force Instruction and Practical Exercise** – A brief overview of the law that governs the government's ability to lawfully use force against individuals. A demonstration with laboratory exercise will be presented and the students will be afforded the opportunity to actively engage in the exercises with role players.

**Fourth Amendment Issues & Government Workplace Searches** – A legal update on Fourth Amendment issues and Supreme Court cases. Government Workplace Searches is a brief overview of law and policies surrounding Inspector General investigations focusing on the balance between government employee rights and the necessity for government authority to investigate employee misconduct or suspected criminal activity. Includes the necessity for proper evidence collection in employee investigations.

**Immigration Issues and DHS** – An introduction to the immigration mission of DHS, focusing on the roles played by CBP, ICE and USCIS in enforcing U.S. immigration laws. The immigration operations of each agency will be described, along with the immigration-related legal issues addressed by component attorneys. Specific immigration issues that involve multi-component cooperation will be discussed, along with time for Q&A.

**DHS Response to Emergencies and Disasters** – an overview of how DHS agencies respond to natural disasters with an emphasis on the roles and responsibilities of DHS component agencies. A review of the Stafford Act, which empowers the president to declare disaster emergencies and trigger financial and physical assistance through FEMA. The student will obtain an understanding of the process of coordinating government response efforts between DHS agencies, as well as the applicable laws with regards to DHS operations in responding to natural disasters.

**Intellectual Property Law** – This course is an introduction to how OGC handles intellectual property (IP) issues. Particular attention is paid to how proper identification and handling of IP issues supports the overall DHS mission. The perspectives of U.S. Government contractors and third parties are also considered relative to the acquisition and enforcement of copyrights, trademarks, patents, trade secrets, and rights in proprietary information.

**DHS International Law/Practice** – A brief assessment of where DHS is positioned in the area of the law that governs the conduct of independent nations in their relationships with one another. This survey will include an introduction to DHS's role in relating to its counterparts in other countries and with international organizations such as the International Civil Aviation Organization. The course will also cover DHS international legal authorities and explain legal requirements relating to the conclusion of international agreements.

**Labor & Employment Law** – This course will give the student the ability to issue spot for various labor and employment law issues. The student will obtain a basic understanding of the rights and responsibilities of Federal employees. The student will become familiar with the role of the union and collective bargaining agreements in personnel actions. Time will be devoted to providing the student with a contrast and comparison of the various processes for addressing employee misconduct/poor performance, as well as the avenues of redress for employees (EEO, MSPB, and grievances).

**Fiscal and Procurement Law** – This course will introduce the student to Procurement Law and will give a high level review of Government contracting formation and administration. The formation phase will discuss major issues that arise primarily when entering into a contract: authority, competition, methods of acquisition and contract types. The contract administration portion will cover issues that arise during the performance of the contract: termination and contract claims and disputes. The student will also be introduced to fiscal law issues, such as the Anti-deficiency Act and federal government budgetary matters.

**Primer on Ethics Rules and Political Activity for Attorneys** - This presentation will give attendees a broad perspective on the major focus areas the ethics rules are intended to address and the logic and history that drive the major ethics principles. The course will give the students a basic understanding of how ethics attorneys apply the methodologies that form the framework for analysis and resolution of potential ethics issues. The class will include an interactive discussion on the ways standards of conduct rules come into play in questions involving mission objectives and operations, common hot button issues that arise when working with industry, the public and with contractors, highlight activities that require specific ethics review and approvals and how attorneys can protect their clients by the early identification of potential ethics issues and prompt coordination with ethics officials.

**Freedom of Information Act (FOIA) and Privacy** – This course will introduce the student to the Freedom of Information Act (FOIA) and the Privacy Act (PA). It will give the student a basic understanding of the requirements of the FOIA and the protections provided by the PA. The course will provide a basic frame work for identifying and working through FOIA and Privacy related issues.