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Subject: Trump Vows Immigration Ban On Terrorism-Linked Nations

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## PUBLIC POLICY

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Tuesday, June 14, 2016

### TOP NEWS

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#### Trump Vows Immigration Ban On Terrorism-Linked Nations

Presumptive Republican presidential nominee Donald Trump on Monday vowed to ban all immigration from countries with a history of terrorist sentiment against the U.S. and its allies while likely Democratic nominee Hillary Clinton argued for stricter standards for assault weapons sales.

#### High Court Ends Puerto Rico's Restructuring Law

The U.S. Supreme Court refused Monday to revive a dormant law that would have allowed Puerto Rico to restructure a portion of its \$70 billion debt, as the territory now looks to a proposal working its way through Congress for assistance as more defaults loom on the horizon.

#### Attorneys React To High Court's Puerto Rico Debt Ruling

The U.S. Supreme Court ruled Monday that a Chapter 9 Bankruptcy Code provision preempts the restructuring law that Puerto Rico, which is facing a \$70 billion debt crisis, had enacted in 2014. Here, attorneys tell Law360 why the decision is significant.

#### 2nd Circ. Lets SEC Proceed With Case Against Ex-S&P Exec

The Second Circuit on Monday allowed the U.S. Securities and Exchange Commission to proceed with its in-house court case accusing ex-S&P executive Barbara Duka of mortgage-debt ratings fraud, after ruling Lynn Tilton had to face the in-house court in a similar case.

#### 2nd Circ. Questions House Resistance To SEC Subpoena

Judges on the Second Circuit seemed skeptical Monday about the U.S. House Ways and Means Committee's efforts to escape a U.S. Securities and Exchange Commission subpoena probing insider-trading allegations involving health care legislation, questioning whether the committee can assert immunity in the case.

### ANALYSIS

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#### Puerto Rico Leverage Over Debt Further Limited By High Court

A U.S. Supreme Court decision blocking Puerto Rico's local restructuring law

### LAW FIRMS

Anderson Kill  
Arent Fox  
Arnold & Porter  
Baker Botts  
Brown Rudnick  
Cahill Gordon  
Cleary Gottlieb  
Clifford Chance  
Coffman Law Firm  
Cooley  
Covington & Burling  
Cravath Swaine  
DLA Piper  
Davis Polk  
Davis Wright Tremaine  
Debevoise & Plimpton  
Desmarais LLP  
Diamond McCarthy  
Dorsey & Whitney  
Drinker Biddle  
Earthjustice  
Fenwick & West  
Foley & Lardner  
Freshfields  
Gelber Schachter  
Gibson Dunn  
Greenberg Gross  
Greenberg Traurig  
Gunderson Dettmer  
Gupta Wessler

further limits leverage the territory may have had in managing tens of billions of dollars in municipal debt and appears to leave a congressional proposal creating a powerful new authority to oversee the commonwealth's finances as the only viable path forward.

## BANKING & SECURITIES

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### European Advocates Bristle At New US Banking Data Policy

Europe's leading advocates for consumer protection and digital rights on Monday called on leaders in Brussels to resist a recent policy shift by the Obama administration that would liberalize data flows for the financial services sector in future U.S. agreements with the European Union.

### China Securities Regulators Vow Strict Market Supervision

A top Chinese securities official told a conference Sunday that regulators will insist that listed companies meet the highest disclosure and corporate governance standards, while the government cracks down on speculation and enforces delisting procedures where appropriate.

### Hong Kong Exchange Launches High-Risk Leveraged ETFs

The Hong Kong Stock Exchange unveiled its first leveraged and inverse exchange-traded funds Monday, hoping to expand the bourse's range of offerings during a time when U.S. regulators are tightening supervision of such high-risk products.

### UK Financial Laws Still Full Of Holes, Advocacy Group Claims

U.K. financial crime laws are still riddled with holes and inconsistencies that handicap the government's fight against fraud and money laundering, an influential anti-corruption group said in a report released Monday.

### Ripple Affiliate Gets BitLicense From NYDFS

The New York State Department of Financial Services has approved a virtual currency license for an affiliate of Ripple Labs Inc., the first such license given to a platform that will serve financial institutions, Ripple said Monday.

## ENERGY & ENVIRONMENTAL

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### House Panel Hits Kerry With 2nd Subpoena For Keystone Docs

The Republican-controlled House Committee on Oversight and Government Reform said Friday it has issued a second subpoena to Secretary of State John Kerry in an effort to force the department to turn over documents related to its rejection of a key permit for the Keystone XL pipeline.

### Supreme Court Nixes States' Challenge To EPA Mercury Rule

The U.S. Supreme Court on Monday declined to review the D.C. Circuit's decision not to vacate a controversial U.S. Environmental Protection Agency air quality rule while the EPA retooled the regulations to comply with the high court's prior order to analyze the rule's costs.

### DC Circ. Urged To Split Challenges To EPA's Mercury Rule

Two energy industry groups asked the D.C. Circuit on Friday to sever their challenges to the U.S. Environmental Protection Agency's Mercury and Air Toxics Standards rule from environmentalists' challenge, saying the issues they've raised are distinct.

Hogan Lovells

Holwell Shuster

Hueston Hennigan

Hunton & Williams

Irell & Manella

Jones Day

Jones Walker

Keker & Van Nest

Kirkland & Ellis

Kobre & Kim

Kramer Levin

Latham & Watkins

Lipsitz Green

Manko Gold

McDermott Will

McGuireWoods

McKool Smith

Milbank Tweed

Montgomery McCracken

Morgan Lewis

Munger Tolles

Nossaman LLP

O'Melveny & Myers

Orrick Herrington

Paul Weiss

Penningtons Manches

Petrillo Klein

Post & Schell

Proskauer Rose

Quinn Emanuel

Reinhardt Wendorf

Schnader Harrison

Shearman & Sterling

Shook Hardy

Simpson Thacher

Skadden

Step toe & Johnson LLP

Stradley Ronon

Sullivan & Cromwell

Susman Godfrey

Valle Makoff

Vinson & Elkins

Weil Gotshal

White & Case

Willkie Farr

Winston & Strawn

## Commerce Seeks Senate-House Compromise On Energy Bill

The U.S. Chamber of Commerce penned a letter to the U.S. Senate on Monday, calling on it to begin collaborating with the U.S. House of Representatives to resolve differences between their versions an "important" energy policy overhaul bill.

## EPA Defends Clean Air Act Progress At DC Circ.

The U.S. Environmental Protection Agency on Monday asked the D.C. Circuit to toss environmentalists' challenge to its 2015 determination that it has properly promulgated emissions standards for entities that account for the vast majority of certain Clean Air Act pollutants.

## FWS Blocked From Releasing Mexican Wolves in New Mexico

A New Mexico federal judge on Friday blocked the U.S. Fish and Wildlife Service from releasing endangered Mexican gray wolves within the state's borders until it comes into compliance with permitting requirements.

## INSURANCE

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### ACA Payment Formula Robs Insurers, Suit Says

So-called risk adjustment payments under the Affordable Care Act designed to offset the costs of sicker consumers have been improperly designed and disadvantage new health insurers, according to a first-of-its-kind lawsuit filed Monday in Maryland federal court.

## EMPLOYMENT

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### Senate GOP Wants DOL Persuader Rule Permanently Barred

A pair of Senate Republicans on Thursday put forward a resolution that would permanently ban the U.S. Department of Labor's finalized and recently implemented "persuader" rule, which imposes stricter reporting requirements for employers trying to influence employees on their union rights.

### NY Order To Hike Min. Fast Food Wage To \$15 Upheld

A New York state appellate court has upheld a decision to increase the state's minimum wage for fast food workers to \$15 an hour, finding that the move does not violate the U.S. Constitution's Commerce Clause nor was it wrongfully delegated to a state agency.

## COMPETITION

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### Big Data May Fit Standard Antitrust Tests, French Chief Says

The head of France's antitrust enforcer suggested Monday that competition law might be able to tackle anti-competitive conduct in free technology products by replacing prices with data costs in traditional theories like predatory conduct.

### Buy-Local Rules Key TTIP Competition Target, EU Official Says

A European Union trade official said Monday that the bloc is trying to tackle U. S. government procurement policies that favor local suppliers in its ongoing Transatlantic Trade and Investment Partnership talks, describing the move as one of the EU's main efforts to use trade policy to promote competition law goals.

## PRIVACY & CONSUMER PROTECTION

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Yetter Coleman

## COMPANIES

AT&T Inc.

American Bar Association

Apple Inc.

BTI Consulting Group Inc.

BlueMountain Capital  
Management LLC

Center for Biological Diversity In

Center for Science in the Public  
Interest

Cerner Corporation

Comcast Corporation

ConocoPhillips

Dignity Health

Environmental Defense Fund Inc

Facebook

Financial Industry Regulatory  
Authority Inc.

Ford Motor Company

Franklin Resources Inc.

Google Inc.

Height Securities LLC

Hong Kong Exchanges and  
Clearing

Humana Inc.

Immigration Reform Law Institut  
Institute for Justice

LegalZoom.com Inc.

McGraw Hill Financial Inc.

Microsoft Corporation

Morningstar, Inc.

Murray Energy Corp.

National Association of  
Broadcasters

National Cable &  
Telecommunications Associatio

National Restaurant Association

Pfizer Inc.

Porsche

Prudential Financial Inc.

SLM Corporation

Sierra Club

TransCanada Corporation

U.S. Chamber of Commerce

Yahoo! Inc.

## Texas Merchants Ask High Court For Review In Swipe Fee Row

A group of merchants challenging a Texas law that bars businesses from imposing surcharges on credit card purchases has asked the U.S. Supreme Court to revisit a Fifth Circuit decision siding against them, arguing it unconstitutionally infringes their free speech rights.

## PRODUCT LIABILITY

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### FDA Actions 'Inadequate' On Powdered Caffeine, Group Says

The U.S. Food and Drug Administration's efforts to protect consumers from pure powdered caffeine have been "sorely inadequate" and are allowing continued sales of the dangerous substance, a watchdog group said in a letter released Friday.

## WHITE COLLAR

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### Doc Accused Of Bribing Sen. Defends Multi-Dosing Lucentis

A Florida eye doctor facing charges for allegedly bribing U.S. Senator Robert Menendez, D-N.J., on Friday told a Florida federal court that the government misunderstands the law relating to a separate set of Medicare fraud allegations against him regarding dosing for the wet macular degeneration drug Lucentis.

### Fattah Built Racketeering Scheme 'Crime By Crime,' Jury Told

The government summed up its case against Rep. Chaka Fattah, D-Pa., on Monday as a jury heard arguments that the congressman and a group of co-defendants had conspired to take bribes, misappropriate grant funds and charitable contributions, and defraud campaign vendors.

## BANKRUPTCY

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### New Rule Could Have Fraudster Colleges Picking Up Loan Tab

The U.S. Department of Education released a proposed rule Monday to forgive student loans if students were defrauded by their college and to bar colleges from creating mandatory arbitration clauses and class action waivers for students.

## IMMIGRATION

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### Tech Union Seeks \$465K In Foreign Student Work Case

A technology workers union that challenged a work program for foreign students asked a D.C. federal court on Friday for a little over \$465,000 in attorneys' fees and litigation costs, claiming it won because it "forced a change" in a legal dynamic between the U.S. Department of Homeland Security and itself.

## NATIVE AMERICAN

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### NY Appeals Court Upholds Tax Law On Tribal Lands

A New York state law regulating cigarette sales taxes does not conflict with another state law exempting Native American reservations from taxation, a New York appeals court ruled Friday, declining to revive a Seneca Nation member's suit fighting tax requirements on nonmembers.

### Fla. Gaming Interests Rail Against Voter Control Initiative

## GOVERNMENT AGENCIES

Consumer Financial Protection Bureau  
Employee Benefits Security Administration  
European Commission  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Trade Commission  
Financial Crimes Enforcement Network  
Fish and Wildlife Service  
Food and Drug Administration  
Occupational Safety and Health Administration  
Occupational Safety and Health Review Commission  
Securities and Exchange Commission  
Seneca Nation of Indians  
Texas Commission on Environmental Quality  
U.S. Attorney's Office  
U.S. Department of Agriculture  
U.S. Department of Education  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Senate  
U.S. Supreme Court  
United Nations

Two groups whose members include gaming facility operators and other interested parties have urged the Florida Supreme Court to reject a ballot initiative that says it would give voters more control of gambling expansion, arguing the initiative is overly broad, misleading and unclear.

## TELECOMMUNICATIONS

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### FCC Adds New Chief Economist From Wharton School

The Federal Communications Commission has appointed an associate professor at the Wharton School as the agency's new chief economist, FCC Chairman Tom Wheeler said Friday.

### Google Goes To Bat For TPP's IP, Internet Provisions

Google went public with its support for the Trans-Pacific Partnership on Friday, lauding the 12-nation accord for its provisions that liberalize the flow of data across national borders and for striking a delicate balance between copyright protection and sensible limitations.

### 21st Century Fox Warns FCC Against Market Share Tweaks

Twenty-first Century Fox lobbied against the Federal Communications Commission's proposed changes to media ownership rules, warning Friday that changing how ownership percentages are calculated could violate the law.

### Sen. McConnell Asks FCC To 'Reconsider' Set-Top Box Plan

Senate Majority Leader Mitch McConnell, R-Ky., called on the Federal Communications Commission's chairman to think again on his plan to "unlock" TV set-top boxes, on Friday citing concerns about copyright, consumer costs and the impact on small providers.

### Broadband Privacy Plan Needs FTC Input, Tech Honchos Say

A trade group that includes Microsoft, Apple, AT&T, Comcast and Google senior executives told the Federal Communications Commission on Friday that its plan to regulate broadband service providers' privacy practices must ensure consistency across the internet ecosystem, urging the agency to work with the Federal Trade Commission.

## PEOPLE

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### Pa. Gov. Taps Appellate Judge For State's High Court

Superior Court Judge Sallie Mundy, a Republican from Tioga County, will be nominated to fill the empty seat on the Pennsylvania Supreme Court, Gov. Tom Wolf and Senate leaders from both parties announced Monday, as part of a larger slate of names for the state's appellate and trial courts.

### Federal Prosecutor Named Fla. Solicitor General

Florida Attorney General Pam Bondi has appointed federal prosecutor Amit Agarwal to serve as the state's solicitor general, the attorney general announced Friday.

## EXPERT ANALYSIS

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### OSHA's Injury Reporting Rule Focuses On Anti-Retaliation

The Occupational Safety and Health Administration's new rules on recordkeeping and reporting of work-related injuries sends a clear message



that the agency is increasing its focus on preventing retaliation against employees who file reports. Specific aspects, such as a longer statute of limitations and increased liability will significantly impact employers, says Adam Roseman at Greenberg Traurig LLP.

### Employer Steps For ACA Nondiscrimination Compliance

A new rule issued by the U.S. Department of Health and Human Services prohibits federally funded health programs from discriminating on the basis of race, color, national origin, sex, age or disability. To ensure compliance, covered entities need to take several specific steps such as implementing more flexibility for certain types of care, like gender transitioning services, and providing meaningful access to individuals with limited English proficiency, say attorneys at McDermott Will & Emery LLP.

### 12 Ways To Ensure Compliance With New Food Defense Rule

The U.S. Food and Drug Administration's unique new Food Defense Rule, meant to prevent terrorism aimed at the U.S. food supply, adds to the already extensive requirements imposed on domestic and foreign food facilities. Chris Ripple and Jim Neale at McGuireWoods LLP explain some key takeaways from the final rule.

## LEGAL INDUSTRY

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### 3 Ways To Become The Best Writer At Your Firm

Written briefs, memorandums and even letters to judges have the power to make or break a case, so you should think twice before skimping on your next writing project. Here, Law360 looks at three ways attorneys can become known as standout writers.

### Shearman, Hogan, Others Jump On Pay Bump Bandwagon

Seven days after Cravath Swaine & Moore LLP raised the benchmark for associate pay, prompting a flood of law firms to follow suit, news of raises continue to trickle in.

### Law Firms Point To A Threat More Insidious Than Hackers

The legal world may have gotten scared after top law firms, including Weil Gotshal & Manges LLP, were hacked in May, but a new report shows that the top information technology officers at law firms believe the biggest risk to data security is internal.

### Shook Hardy Elects 1st Woman To Replace Longtime Leader

The chair of Shook Hardy & Bacon LLP's pharmaceutical and medical device division, the largest practice group of its kind, has been elected to succeed the product liability attorney who has served as chair for the last 15 years, becoming the first woman to lead the firm.

### In-House Attys Feeling Ethics Pressure, Report Says

A new study exploring what it means to be an ethical in-house attorney revealed that nearly half of all in-house counsel said they experienced ethical pressure in their roles, with lawyers working in the public sector saying they faced more pressure than their commercial counterparts.

### Heller Ehrman Tells 9th Circ. Ex-Attys Can't Keep Profits

Heller Ehrman LLP's bankruptcy administrator urged the Ninth Circuit on Monday to revive the defunct law firm's efforts to claw back unfinished

business profits that its ex-partners earned representing its former clients at new firms, arguing law partners have a fiduciary duty to their old firm they can't shake.

## DOJ, FTC Say Legal Documents Software Helps Consumers

Websites and software that automatically generate legal documents benefit consumers by keeping down prices and expanding access to legal services, and North Carolina lawmakers considering legislation in the area should not place overly broad restrictions on them, the U.S. Department of Justice and the Federal Trade Commission said on Friday.

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