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Subject: Dodd-Frank Repeal Bill Passes Out Of House Committee

PUBLIC POLICY

Wednesday, September 14, 2016

TOP NEWS

[Dodd-Frank Repeal Bill Passes Out Of House Committee](#)

A measure aimed at repealing the Dodd-Frank Act was approved Tuesday by the House Financial Services Committee in a vote mostly along party lines that sends the bill to the House floor for a full vote.

[NY Cybersecurity Rules Could Push Other Regulators](#)

Banks, insurers and other financial institutions operating in New York state will have to take strong measures to protect against data breaches and other cyberattacks under first-of-their-kind rules proposed Tuesday, and experts say that other states and even the federal government may follow New York's lead.

[House Rep. Tries To Force IRS Chief Impeachment Vote](#)

Conservative House Republicans will try to force a vote this week on their attempts to oust IRS Commissioner John Koskinen, introducing a four-count impeachment resolution Tuesday over his alleged noncompliance with congressional investigations into IRS targeting of conservative groups.

[9th Circ. Nixes Part Of Ariz. Air Pollution Plan](#)

A Ninth Circuit panel on Monday partially rejected the U.S. Environmental Protection Agency's approval of Arizona's plan for airborne particulate matter around Maricopa County, saying the EPA needed to further the part of the plan addressing contingency measures.

[House Votes To Lower ACA Out-Of-Pocket Tax Deductibility](#)

House Republicans, with some Democratic support, voted on Tuesday to lower the Affordable Care Act threshold for claiming out-of-pocket medical expenses on taxes, claiming that the measure would provide relief to millions of Americans.

[Restaurant Groups Urge High Court To Review Tip Pool Rule](#)

A handful of restaurant associations recently urged the U.S. Supreme Court to take up an appeal of a Ninth Circuit ruling that the U.S. Department of Labor can stop employers from tip pooling, saying that the rule hurts minority workers and that a circuit split on the agency's rulemaking puts restaurants in a costly bind.

[NCAA Pulls Events From North Carolina Over Bathroom Law](#)

The NCAA announced Monday that it is pulling several marquee events from North Carolina, including the men's college basketball tournament, citing

LAW FIRMS

Arent Fox
Arnold & Porter
Ashurst LLP
Bancroft PLLC
Beck Redden
Buchalter Nemer
BuckleySandler
Cahill Gordon
Chadbourne & Parke
Consovoy McCarthy
Cravath Swaine
Davis Polk
Earthjustice
Farr Law Firm
Gibbs Houston
Gibson Dunn
Greenbaum Rowe
Haynes and Boone
Hunton & Williams
Jackson Lewis
Jones Day
Katten Muchin
Kellogg Huber
King & Spalding
Kirkland & Ellis
Klasko Immigration Law Partne
Latham & Watkins
Marshall Gerstein
McDermott Will
McDonald McCann
Morgan Lewis
Pillsbury Winthrop
Proskauer Rose
Ropes & Gray

“cumulative actions taken by the state concerning civil rights protections” such as the state’s controversial transgender bathroom law.

Swiss Supreme Court OKs Sharing Of Bank Data With Dutch

Switzerland’s highest court overturned a lower court’s decision barring the country’s tax authorities from providing banking information on Dutch UBS AG clients to the Netherlands, saying Monday that a request from Dutch tax authorities is not prohibited by a treaty between the two countries.

ANALYSIS

Reviewing Clinton's Immigration Positions As Election Nears

Although Hillary Clinton hasn’t been too vocal on business immigration issues such as the H-1B visa program this election cycle, it’s worth noting the Democratic nominee has staked out some ambitious positions in other areas, including going beyond President Barack Obama’s executive actions on deportation. Here, Law360 provides an overview of where the former secretary of state stands on the hot-button issue.

The AIA At 5: New Rules Bring New Patent Filing Strategies

The enactment of the America Invents Act five years ago this week fundamentally altered filing rules for patent applications, but those changes have in many ways had less of an effect on patent prosecution than the law’s new proceedings for challenging patents, attorneys say.

FCC Walking Fine Line With Station Ownership Move

The Federal Communications Commission will likely be forced to defend its recent decision to eliminate a key break in the way it calculates restrictions on media ownership, and experts said rapidly changing market conditions could make the changes a tough sell.

Retail Investment Disclosure Vote May Leave Firms In A Bind

Firms that sell packaged investment products face a year-end deadline to start giving investors documents summarizing costs and risks, but attorneys foresee even more difficulty if European Union lawmakers vote Wednesday to reject detailed rules for the disclosures.

ENERGY & ENVIRONMENTAL

SoCalGas To Pay \$4M To End LA's Suit Over Huge Gas Leak

Southern California Gas Co. agreed to pay \$4 million to settle criminal charges brought by Los Angeles County alleging the utility didn’t properly notify authorities about a massive natural gas leak at a storage facility that displaced thousands of area residents, county prosecutors said Tuesday.

EPA Asks DC Circ. For En Banc Review In Boiler Rule

The U.S. Environmental Protection Agency on Monday asked the D.C. Circuit to grant en banc review of a panel’s July ruling that largely sided with environmentalists in challenges to the EPA’s emissions rules for boilers and incinerators.

EPA Must Release Docs In Effluent Rule Row, Groups Say

Industry groups challenging the U.S. Environmental Protection Agency’s power plant effluent rule pressed the Fifth Circuit on Monday to force the agency to turn over documents for the litigation’s administrative record,

Sanford Heisler

Shook Hardy

Squire Patton Boggs

Steptoe & Johnson LLP

Sterne Kessler

Stroock & Stroock

White & Case

Wilkinson Barker

Williams & Connolly

COMPANIES

21st Century Fox Inc.

AARP Inc.

AT&T Inc.

Aereo Inc.

Amazon.com Inc.

American Bar Association

American Civil Liberties Union

American Immigration Lawyers Association

American Municipal Power Inc.

AstraZeneca

Atlantic Club Casino Hotel

Bristol-Myers Squibb Company

CTIA

Carlyle Group LP

Center for Biological Diversity II

Chevron Corporation

Citizens for Responsibility and Ethics in Washington

Consumer Watchdog

Delaware Riverkeeper Network

Deutsche Bank AG

Exxon Mobil Corporation

Facebook

Florida Bar Association

Goldman Sachs Group Inc.

Google Inc.

Harvest Partners LP

Hasbro, Inc.

Home Depot, Inc.

IP Owners Association

Information Technology Industr. Council

International Business Machine Corporation

Internet Corporation for Assigne

saying the agency's contention it reasonably withheld documents containing "confidential business information" doesn't hold water.

Legal Scholars Object To House Climate Change Subpoenas

A group of law professors and lawyers on Monday urged House Republicans to drop subpoenas targeting climate science groups and the Massachusetts and New York attorneys general, saying a committee's investigation into an alleged assault on the free speech of fossil fuel companies is itself an assault on free speech.

Okla., Chamber Say 10th Circ. Right Venue In Water Rule Row

Oklahoma and business groups led by the U.S. Chamber of Commerce on Monday told the Tenth Circuit it has authority to hear their challenges to the federal government's controversial Clean Water Rule, despite a Sixth Circuit finding that it has jurisdiction over the matter.

Enviros Say Fishing Agency On Hook For Harm To Whales

Two environmental groups announced Monday that they intend to sue the National Marine Fisheries Service for allegedly authorizing two West Coast fisheries to operate without permits that allow incidental harm to Endangered Species Act-listed whales, a situation the groups fear will lead to more whales being hurt or killed than allowed.

NJ Rate Agency Blasts Gas Pipeline Plan In FERC Comment

The New Jersey Division of Rate Counsel considers PennEast's plan for a 118-mile natural gas pipeline through the Garden State and Pennsylvania to be driven by agreements with its own affiliates, rather than the needs of ratepayers, according to feedback the agency submitted recently to the Federal Energy Regulatory Commission.

HEALTH & LIFE SCIENCES

Vanda Wields New Labeling To Stymie Fanapt Generics

Specialty drugmaker Vanda Pharmaceuticals is attempting to block all generic versions of its flagship schizophrenia medication Fanapt, telling the U.S. Food and Drug Administration that recent labeling changes can be neither copied nor ignored by copycat products.

IP & TECHNOLOGY

Patent Office Head Defends Examiners' Work At House Panel

The head of the U.S. Patent and Trademark Office defended her agency's work in wide-ranging questioning before a House panel Tuesday, maintaining she has taken steps to improve the work of patent examiners and better the patent system.

Congress Must Overhaul Patent Eligibility Law, Experts Say

Recent U.S. Supreme Court decisions limiting patent-eligibility risk are crippling the patent system, and the time has come for Congress to amend the law to protect patents, experts including the former director of the U.S. Patent and Trademark Office said Tuesday.

MEDIA & ENTERTAINMENT

Govt. Has Lost \$3.7B On Stadium Subsidies: Brookings Study

Names and Numbers

JPMorgan Chase & Co.

LPL Financial Holdings Inc.

Mattel, Inc.

Mexican American Legal Defen
and Education Fund

Moody's Corporation

National Basketball Association

National Collegiate Athletic
Association

National Federation of
Independent Business

National Immigration Law Cente

National Restaurant Associatio

Navigant Consulting Inc.

New York Times Co.

New York Yankees

Nickelodeon Global Network
Ventures Inc.

Novartis AG

Otsuka Holdings Co. Ltd.

Owner-Operator Independent
Drivers Association Inc.

Planned Parenthood Federatio

Public Knowledge

Revlon, Inc.

Securus Technologies Inc.

Sempra Energy

Sierra Club

Southern California Gas Co.

TechFreedom

Telecommunications Industry
Association

The Blackstone Group L.P.

Trump Organization Inc.

Turner Broadcasting System In

Twitter Inc.

U-Haul International Inc.

U.S. Bancorp

U.S. Chamber of Commerce

UBS AG

UGI Corporation

Union of Concerned Scientists

United Farm Workers

Valassis Communications

Vanda Pharmaceuticals Inc.

Viacom Inc.

The federal government's subsidization of pro sports stadiums with tax-exempt municipal bonds has resulted in a loss to U.S. tax coffers of \$3.7 billion over the past 16 years with little economic gain to show for it, a new Brookings Institution report shows.

NJ Lawmaker Unveils Funding Plan For New Casino Revenue

A New Jersey lawmaker has unveiled a spending plan for future revenue generated from casinos that would operate in the northern part of the state if voters in November approve a measure to allow the operation of gaming halls outside of Atlantic City.

TRANSPORTATION & INFRASTRUCTURE

NJ Bridge Scandal Jurors Probed For Potential Bias

Attorneys and a New Jersey federal judge questioned more than two dozen prospective jurors Tuesday about serving on the trial of former public officials charged in the George Washington Bridge lane-closing scandal, leading them to excuse certain people over doubts that they could be fair and impartial.

Truck Drivers Ask 7th Circ. To Dump Electronic Monitoring

Truck drivers who object to being electronically monitored while at work took their objections to the Seventh Circuit Tuesday, arguing that a federal rule requiring the placement of devices in their vehicles that electronically log their hours violates the constitutional guarantee against unreasonable searches.

INSURANCE

ACA Marketplaces Still Vulnerable To Fraud, GAO Finds

Affordable Care Act marketplaces are still vulnerable to fraud, the U.S. Government Accountability Office said Monday when it released the results of its 2015 and 2016 undercover investigations into the ease with which health coverage applications are approved at federal and state levels.

EMPLOYMENT

Calif. Gov. Approves Overtime Measure For Farm Workers

Calif. Gov. Jerry Brown signed off on a major piece of legislation Monday that will establish a timeline to phase in overtime requirements for farm workers, who are often immigrant laborers, winning praise from the biggest farm workers union in the country.

Houston Schools Say Auditor's Whistleblower Claims Too Late

The Houston Independent School District on Monday told a state district court that it should dismiss the whistleblower lawsuit its former chief audit executive filed last month alleging he was fired for pointing out violations of law, because his claims were filed too late.

COMPETITION

Menendez Loses 3rd Circ. Bid To Revisit Criminal Charges

The Third Circuit declined Tuesday to revisit a decision upholding corruption and conspiracy charges against U.S. Sen. Robert Menendez, but his defense attorney indicated that the senator has plans to take his fight to the U.S. Supreme Court.

PRIVACY & CONSUMER PROTECTION

Wells Fargo & Co.

Yahoo! Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers

Consumer Financial Protection Bureau

Defense Contract Audit Agency

Department of Commerce

European Commission

Executive Office of the President

Federal Acquisition Regulatory Council

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp

Federal Energy Regulatory Commission

Federal Financial Institutions Examination Council

Federal Housing Finance Agency

Federal Motor Carrier Safety Administration

Federal Reserve System

Federal Trade Commission

Financial Stability Oversight Council

Food and Drug Administration

Government Accountability Office

Immigration and Customs Enforcement

Internal Revenue Service

National Aeronautics and Space Administration

National Archives and Records Administration

National Marine Fisheries Service

National Security Agency

National Telecommunications and Information Administration

New Jersey Board of Public Utilities

New York Attorney General's Office

New York State Department of Financial Services

Office of the Comptroller of the Currency

Viacom, Others Reach Deal After NY AG's Child Privacy Probe

Viacom, Mattel, Hasbro and JumpStart have agreed to pay a combined \$835,000 in penalties and implement reforms after an investigation revealed that the children's website operators permitted illegal tracking of kids' online activity, New York Attorney General Eric T. Schneiderman announced Tuesday.

McCain Won't Back Split Of NSA, Cyber Command Leadership

Sen. John McCain, R-Ariz., said during a Senate Armed Services Committee hearing Tuesday that he would object to any efforts to divide the leadership of the National Security Agency and U.S. Cyber Command before President Barack Obama leaves office.

Berkeley Cellphone Law Violates Free Speech, 9th Circ. Told

A cellphone trade group urged the Ninth Circuit during oral arguments Tuesday to block the city of Berkeley's ordinance requiring cellphone retailers to warn customers about possible radio signal dangers, saying the rule violates First Amendment protections by requiring companies to voice the city's opinion, not proven facts.

GOVERNMENT CONTRACTS

Contractors Must Obey New Controlled Info Rule, Feds Say

Federal contractors will be required to abide by new rules aimed at streamlining and clarifying how agencies label and disclose controlled unclassified information, according to a notice to be published Wednesday in the Federal Register.

Congress Doesn't Need To OK Internet Transition, GAO Says

The Obama administration's plan to privatize the internet's domain name system moved a step forward on Monday, when the U.S. Government Accountability Office released a report saying that the process is not a transfer of government property requiring a green light from Congress.

Google, Facebook Back Domain-System Handover Plans

Google Inc., Facebook Inc., Amazon.com Inc. and other online giants told congressional leaders Tuesday they back plans to privatize the internet's domain name system by transferring American control to the global multistakeholder community.

NASA Tweaks Cost-Type Contract Pay Request Reviews

NASA issued an interim rule Tuesday updating how the space agency reviews payment request vouchers under cost-type contracts, to fill the gap left by a congressional prohibition on the Defense Contract Audit Agency's reviewing nondefense contracts.

Rule Aims To Reduce Audits On Gov't Contract Closeouts

Fewer proposed settlements closing out federal government prime contracts and subcontracts would be subject to audit under a rule floated Tuesday by the agencies comprising the Federal Acquisition Regulatory Council that would raise the payout amounts that automatically trigger such reviews.

INTERNATIONAL TRADE

Port Authority of New York & New Jersey

Securities and Exchange Commission

Social Security Administration

Texas Health and Human Services Commission

Texas House of Representatives

Texas State Senate

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

Tech Industry Holding Out Hope For Swift TPP Vote

Leaders for 13 U.S. technology industry associations on Tuesday turned up the heat on lawmakers to ratify the Trans-Pacific Partnership before the year is out, warning that leaving the agreement behind will deal a substantial blow to U.S. competitiveness in a crucial region.

TAX

Dems Seek Criminal Probe Into Trump's Fla. AG Donation

House Democrats on Tuesday called for a federal criminal investigation into allegations that the Donald J. Trump Foundation bribed Florida Attorney General Pam Bondi with a \$25,000 campaign donation to stop her office from taking legal action against Trump's get-rich-quick real estate seminars.

BANKRUPTCY

Ex-Fla. City Manager Pleads Guilty To Bribery Scheme

The former city manager of a nearly bankrupt Miami suburb pled guilty Monday in Florida federal court to accepting bribes in an illegal municipal bribery and extortion conspiracy.

IMMIGRATION

License Denials For Immigrants Spark Another Arizona Suit

Legal advocacy groups on Monday launched a class action in Arizona over the state's alleged practice of refusing to grant driver's licenses to certain immigrants, saying that the state's policy discriminates against people who aren't citizens without "any valid justification."

9th Circ. Won't Rehear Visa Denial Over Suspected Gang Ties

The Ninth Circuit on Tuesday refused to rehear its ruling that a U.S. consulate had acted within the law in denying a visa to a Mexican man suspected of ties to a street gang, according to an order issued by the appeals court.

TELECOMMUNICATIONS

FCC Tells DC Circ. Challenge To Inmate Call Rate Has No Legs

The Federal Communications Commission on Monday asked the D.C. Circuit to toss a row over its mandated limits on rates for inmate calls, saying that the rate caps themselves have recently changed and that other arguments, such as the agency's purported lack of authority to impose caps, have no standing.

Advocacy Groups Push FCC For Strong ISP Privacy Rules

A group of several public interest groups on Monday pressed the Federal Communications Commission to tighten privacy rules on internet service providers, arguing that the agency cannot look to the Federal Trade Commission's framework when issuing its own rules.

EXPERT ANALYSIS

Fortilene: FTC's New Twist On 'Invitation To Collude'

The standards for proving an invitation to collude already are ambiguous. The

Federal Trade Commission's recent action challenging piping distributor Fortiline brings further ambiguity, as this is the FTC's first invitation-to-collude case against an entity that is both a direct competitor with, and a distributor for, the alleged invitee, say attorneys with Jones Day.

[Mitchell-Lama Cooperatives: An Alternative To Privatizing](#)

Although New York's Mitchell-Lama program was intended to provide affordable housing, it allows Mitchell-Lama cooperatives to voluntarily privatize, which increases rent for New Yorkers. These cooperatives should consider an alternative option, the Article II to Article XI conversation program, says Erica Buckley of Stroock & Stroock & Lavan LLP.

[A Look Inside The Future Of Telemedicine In Texas](#)

In the last several years, Texas has generated significant news related to the disagreements between the Texas Medical Board and Teladoc, a telehealth medical provider. While the dispute and subsequent corollary issues linger in litigation, some telemedicine providers have been in a holding pattern with their business operations in Texas. However, there may be legislative and regulatory changes on the horizon, says Michelle Apodaca with Haynes and Boone LLP.

[The Jesinoski Opinion Vs. The Statute Of Limitations](#)

Although the U.S. Supreme Court ruled in *Jesinoski v. Countrywide Home Loans Inc.* that borrowers do not need to file within a three-year period in order to enforce the right to rescind under the Truth-In-Lending Act, borrowers should respect that TILA rescission claims must be brought within a one-year period, say John Hosack and Jason Goldstein of Buchalter Nemer.

LEGAL INDUSTRY

[3 Secrets To Retaining Millennial Attorneys](#)

Law firms that want to prevent millennial attorneys from moving to their competitors need to develop retention plans that adhere to the firm's culture while keeping an eye on the ethos of the under-35 set, who tend to prioritize work-life balance over long hours, according to legal industry experts. Here, Law360 looks at three secrets that will keep the future of your firm from leaving.

[Davis Polk Wants Female Ex-Associates Back At Work](#)

Davis Polk & Wardwell LLP is launching a "returnship" program aimed at attorneys who have taken a long break from the firm — namely, women who left to have and raise children — to help them transition back to full-time practice, the firm said Tuesday.

[Female Partners at Chadbourne Disavow Discrimination Suit](#)

A group of female partners at Chadbourne & Parke fired back at the attorney who filed a proposed class action alleging the firm discriminates against women, saying in a letter Monday that nobody consulted them about their experiences before filing suit on their behalf.

[5 Big Legal Names Heading To Kirkland That Aren't Clement](#)

When Kirkland & Ellis LLP brings the entire fleet of 17 attorneys at Bancroft PLLC into its fold Oct. 1, the firm will gain a good deal more legal talent than former U.S. Solicitor General Paul Clement alone. Here, five other Bancroft

attorneys that have turned heads with their legal prowess.

Scalia Won Battle Over Statutory Interpretation, Kagan Says

U.S. Supreme Court Associate Justice Elena Kagan admitted Tuesday that the late Justice Antonin Scalia had, over his career, succeeded in impressing his unique view of statutory interpretation on even his most intractable colleagues, elevating the once low standing of textual analysis to something akin to reverence in the American legal system.

Pro Bono Firm Of 2016: Arnold & Porter

Arnold & Porter's defense of Planned Parenthood against illegal fetal-tissue sale allegations as well as its victories for an innocent man on death row and mentally ill defendants facing lengthy jail terms before trial are just three of the reasons the firm landed a place on Law360's Pro Bono Firms of 2016.

Rainmaker Q&A: McDermott's Ira Coleman

The hardest part of remaining a rainmaker is that every year, on Jan. 1, all of your columns go to zero and you have to start all over again. I use this time as an opportunity to reflect and get re-energized. I feel an obligation to myself and to my clients to do more and be better, says Ira Coleman, global head of McDermott Will & Emery's corporate and transactional group.

Rainmaker Q&A: Baer & Troff's James Baer

Being a rainmaker is less about being a good lawyer and more about developing your business. Like brushing your teeth, you have to do it every single day. It requires constant attention and must be regarded with high importance, says James Baer, principal and founding partner at Baer & Troff LLP.

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