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Subject: New Passport Rules Set For Sex Offenders, Tax Delinquents

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## PUBLIC POLICY

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Friday, September 2, 2016

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### TOP NEWS

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#### New Passport Rules Set For Sex Offenders, Tax Delinquents

Certain convicted sex offenders may either have their passports denied or revoked under new State Department guidelines. The same rules would apply to those with a lot of tax debt and individuals who seek a U.S. passport without a correct and valid Social Security number

#### Senators Want Federal EpiPen Spending Data From CMS

Three U.S. senators on Wednesday asked the Centers for Medicare & Medicaid Services how much Medicare Part D, Medicaid and the Children's Health Insurance Program have spent on EpiPens as a result of Mylan NV's massive price increases for the epinephrine injector over the last several years.

#### CFTC Allows More Time To Implement Swaps Custody Rules

The Commodity Futures Trading Commission on Thursday gave swap dealers another month to comply with the custodial requirements of new swaps margin rules, although firms will still have to collect and post collateral despite calls for American regulators to delay implementing the rules altogether.

#### Pa. Court Tosses Gas Group's Drilling Rule Challenge

A Pennsylvania state court ruled Thursday that environmental regulators could continue to ask drillers to lay out the potential environmental impacts of proposed oil and gas wells despite a landmark ruling three years ago suggesting the requirement, part of a controversial law known as Act 13, was void.

#### White House Says Anti-Trade Pols Are 'Behind The Curve'

The rising crop of anti-trade lawmakers may actually be "behind the curve" when compared to the views of the U.S. electorate, White House Press Secretary Josh Earnest said on Wednesday, nodding to recent primaries across the nation that have seen pro-trade candidates emerge victorious.

#### Uber Can't Ditch \$11.4M Pa. PUC Fine

Uber Technologies Inc. lost its bid Thursday to scrap an \$11.4 million penalty it was slapped with in April for operating in Pennsylvania without proper authorization from the state's Public Utility Commission.

#### Christie Demands NJ Senate OK Judges For Mercer Courts

New Jersey Gov. Chris Christie called on the Democrat-controlled state

### LAW FIRMS

Andrews Kurth  
Arnold & Porter  
Babst Calland  
Baker & McKenzie  
Baker Botts  
Buchanan Ingersoll  
Chadbourne & Parke  
Cornell & Gollub  
DLA Piper  
Dentons  
Donahoo & Associates  
Edgerton & Weaver  
Faegre Baker  
Foley Bezek  
Foster Pepper  
Haynes and Boone  
Jenner & Block  
Jones Day  
Kenyon & Kenyon  
LeClairRyan  
McGuireWoods  
Quinn Emanuel  
Richards Kibbe  
Sedgwick LLP  
Squire Patton Boggs  
Stagg Terenzi  
Thompson & Knight  
Wisler Pearlstine  
Yetter Coleman

### COMPANIES

American Civil Liberties Union  
American Hospital Association  
Apple Inc.  
Chambers and Partners

Senate Thursday to act on his nominations for seven new judges in Mercer County, saying the judicial vacancies there have left the short-staffed system struggling to swiftly handle cases.

## BANKING & SECURITIES

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### SEC Approves SIPC Broker-Dealer Fee Changes

The U.S. Securities and Exchange Commission has approved the Securities Investor Protection Corporation's plan to change how it collects fees in order to ensure that its fund, which is used to repay investors during the liquidation of brokerage firms, doesn't fall below \$2.5 billion.

### Canadian Regulators Clarify Global Bond Trading Policy

The Canadian Securities Administrators on Thursday said that it is willing to provide exemptive relief that would allow international dealers to trade bonds with Canadian institutional investors, hoping to clarify a regulatory change and stem fears of declining liquidity in Canada's fixed-income markets.

### SEC Wants Public Filers To Include Hyperlinks In Filings

The U.S. Securities and Exchange Commission on Wednesday proposed rule amendments that would require public filers to include hyperlinks to exhibits in their company filings, a change that the regulator says will make it easier for investors and companies to access information.

## ENERGY & ENVIRONMENTAL

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### FWS Floats New ESA Listing And Mitigation Guidelines

The U.S. Fish and Wildlife Service on Thursday unveiled a new work plan to address Endangered Species Act listing and critical habitat decisions over the next seven years.

### Regional Approach Is Best For CPP Compliance, PJM Says

States within the footprint of regional electricity grid operator PJM Interconnection LLC can comply with the Clean Power Plan's carbon emission reduction targets without harming grid reliability, but should band together for a regionwide approach in order to keep costs down, PJM said in a report issued Thursday.

## TRANSPORTATION & INFRASTRUCTURE

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### Delivery Date Is Key To Transportation Act Purchase Rules

The Federal Transportation Administration said delivery dates will be important markers in Wednesday's final notice on the Fixing America's Surface Transportation Act's purchasing rules for federally funded transportation projects.

## EMPLOYMENT

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### Calif. Lawmakers Extend Family Leave Mandates To Small Biz

A California law requiring small businesses to provide similar parental leave protections already required of employers with 50 or more workers was passed Wednesday by the state Senate, sending the bill to Gov. Jerry Brown's desk for approval.

## PRIVACY & CONSUMER PROTECTION

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Daimler AG

Exxon Mobil Corporation

General Dynamics Land Syster Inc.

Glock Inc.

Grocery Manufacturers Association

Impax Laboratories, Inc.

International Swaps and Derivatives Association

Lambda Legal Defense & Educational Fund

Lippman Jungers LLC

Lyft Inc.

Merck KGaA

MetLife Inc.

Mylan NV

National Federation of Independent Business

PJM Interconnection LLC

Remington Arms Co. LLC

SIFMA

Samsung Electronics Co. Ltd.

Sanofi-Aventis

Teva Pharmaceutical Industries Limited

Thomson Reuters Corporation

Uber Technologies Inc.

Valeant Pharmaceuticals International

Weaver LLP

## GOVERNMENT AGENCIES

Bureau of Indian Affairs

Centers for Medicare & Medical Services

Cherokee Nation

Commodity Futures Trading Commission

European Commission

Export-Import Bank of the United States

Federal Deposit Insurance Corp

Federal Energy Regulatory Commission

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

## NC Group Drops DOJ Suit Over Transgender Bathroom Law

A citizen group that's defending North Carolina's controversial HB 2, which requires transgender people to use public bathrooms that correspond with their birth sex, dropped its federal suit against the U.S. government on Wednesday, but left room to refile its claims.

## Mass. AG Defends Probe Of Glock, Remington Product Safety

The Massachusetts Attorney General this week defended her office's investigation of Remington Arms Co. LLC and Glock Inc.'s product safety, arguing that it was a legitimate products safety probe, not a political assault on customer privacy and the Second Amendment.

## PRODUCT LIABILITY

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### Vt., Grocery Industry Agree To Drop GMO Labeling Suit

The Grocery Manufacturers Association and the state of Vermont have agreed to end their battle over a controversial state law requiring the labeling of genetically modified food, in light of a similar nationwide law enacted in late July that preempts any state action, according to a federal court filing Wednesday.

## GOVERNMENT CONTRACTS

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### Obama Urged To Stall \$1B Saudi Arms Deal Over Airstrikes

Sixty-four U.S. lawmakers are urging President Barack Obama to postpone a \$1.15 billion arms sale to U.S. ally Saudi Arabia over humanitarian concerns about the kingdom's military activities against a Shiite-led rebellion in Yemen that have led to scores of civilian deaths, including children.

## INTERNATIONAL TRADE

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### Ex-Im Bank Urged To Improve Reporting Of Dual-Use Exports

The U.S. Export-Import Bank needs to speed up its determinations regarding exporters' compliance with rules for "dual-use" exports that have both military and civilian uses, the U.S. Government Accountability Office said in report released Wednesday.

## TAX

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### AICPA Asks IRS To Expand Manufacturing Deduction Criteria

The American Institute of Certified Public Accountants is urging the Internal Revenue Service to expand regulations that determine what constitutes qualifying gross receipts for the sale of computer software to include certain online transactions, according to an announcement Thursday.

### Pa. School District Appeals Injunction On Tax Hike

A Pennsylvania school district has appealed a state court decision that would overturn the district's tax increases, following a putative class action suit launched by an attorney living in the suburban Philadelphia district.

### Hospital Group Says Illinois Nonprofit Tax Law Is OK

An Illinois state law ensuring property tax-exempt status for nonprofit hospitals is constitutional, the American Hospital Association told the state's highest court Tuesday, arguing that a lower court's ruling deeming it unconstitutional threatens health care services in the state.

Food and Drug Administration  
Government Accountability Office  
Illinois Supreme Court  
Internal Revenue Service  
National Labor Relations Board  
Securities and Exchange Commission  
U.S. Department of Agriculture  
U.S. Department of Education  
U.S. Department of Justice  
U.S. Department of the Interior  
U.S. Environmental Protection Agency  
U.S. Senate  
U.S. Supreme Court

## IRS Formally Recognizes Same-Sex Marriages By States

The Internal Revenue Service issued final regulations Thursday that officially recognize same-sex marriages performed in all U.S. states, territories and possessions by updating what it means to be a spouse for federal tax purposes.

## NATIVE AMERICAN

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### DOI Gets Wash. County's Tribal Boundary Dispute Tossed

A federal judge nixed a Washington county's suit over the U.S. Department of the Interior's alleged refusal to make a decision on whether a tract of land rests within the Yakama Nation's reservation, finding Thursday that the county had failed to allege a cognizable legal theory.

### Arkansas Casino Amendment Qualifies For November Ballot

A proposed amendment to Arkansas' constitution allowing for three state casinos received certification for inclusion on the November general election ballot, a group of casino supporters said Thursday.

## PEOPLE

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### Ill. Gov. Dumps Leftover Political Hires From Democratic Eras

Illinois Gov. Bruce Rauner issued layoff notices to 29 workers at the state Department of Transportation Thursday in a move he said will rid the agency of political patronage hires dating back to the administrations of now-imprisoned ex-Gov. Rod Blagojevich and former Gov. Pat Quinn.

### New Pa. AG Fires Top Kane Aides

Pennsylvania's new attorney general announced Thursday, just two days after being confirmed and sworn into office, that he was terminating two controversial top aides and confidants who had served under Kathleen Kane before her conviction and resignation in August.

## EXPERT ANALYSIS

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### Labor Day Origins: Examining US And Canada Labor Laws

Labor Day is not only a day for barbecues and parades, it marks the social and economic achievements of U.S. and Canadian workers obtained through collective organizing. As we prepare to celebrate Labor Day, attorneys at Baker & McKenzie LLP outline the current labor law framework and recent employment law trends in the U.S. and Canada.

### PURPA Changes Could Shake Up Clean Energy Market

For a law originally passed in response to the energy crisis of the 1970s, the Public Utility Regulatory Policies Act has received a lot of recent attention from Congress and advocates for both investor-owned utilities and the renewable energy industry. The renewed interest in the law may result in action by the Federal Energy Regulatory Commission, say Andrew Wheeler and Nik Schoenherr of FaegreBD Consulting.

## LEGAL INDUSTRY

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### The 3 Worst Parts Of Firm Life (And How To Handle Them)

Working at a law firm is notoriously difficult: Even with the more interesting and complicated cases and better pay, the long hours and grueling

competition can push even highly skilled attorneys in-house or on different career paths altogether. Here, Law360 looks at attorneys' biggest gripes with firm life, and how lawyers can deal with them.

### BigLaw's Pay Traditions May Fuel Gender Bias Fire

At least three major U.S. law firms have been hit with gender discrimination suits so far in 2016, a phenomenon experts say is likely fueled by murky and subjective methods of determining partner pay that are pervasive in the legal industry.

### Law360's Weekly Verdict: Legal Lions & Lambs

A California plaintiffs lawyer came out big in a federal trial focused on MetLife's role in lost retirement savings, heading up this week's pack of legal lions. Quinn Emanuel Urquhart & Sullivan LLP leads our legal lambs with another reprimand for repeated leaks of confidential information in the patent battle between Apple and Samsung.

### Dentons Wants More Capital From European Equity Partners

Dentons is asking its equity partners across Europe to increase their contributions to the firm, saying Thursday that, when compared to market standards, partner capital requirements in the region are too low.

### Haynes and Boone Opens Doors In UK After Regulatory OK

After United Kingdom regulators signed off on a merger between Haynes and Boone LLP and Curtis Davis Garrard, the combined law firm officially opened its doors in London Thursday, capping a summer of work for the firms to finalize the merger and push forward with expansion plans.

### Rainmaker Q&A: Thompson & Knight's Cassandra Mott

I often go back to the rule-of-thumb a brilliant rainmaker gave me during my first summer associate clerkship: It generally takes five years from the time you first meet someone for a substantive business relationship to evolve. So, be patient, build trust and the rain will come, says Cassandra Mott, a partner at Thompson & Knight LLP.

### Rainmaker Q&A: Yetter Coleman's Collin Cox

I've met some of my best clients doing activities completely disconnected from the law. There's always a reason not to go to another networking event; demands on associates seem to increase each year, and the days can be long. But networking should become part of a lawyer's good habits, says Collin Cox, a business trial partner at Yetter Coleman LLP.

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