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Subject: Trump Raps Clinton For Shifting TPP Position

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## PUBLIC POLICY

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Tuesday, September 27, 2016

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### TOP NEWS

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#### Trump Raps Clinton For Shifting TPP Position

Monday's presidential debate saw Hillary Clinton and Donald Trump exchange blows over the proper direction of the nation's trade policy, with the real estate mogul doubling down on his protectionist strategy and criticizing the former secretary of state for shifting positions on the Trans-Pacific Partnership.

#### Obama's Climate Legacy At Stake In DC Circ. CPP Showdown

After months of court filings and surprising pretrial rulings, an en banc D.C. Circuit on Tuesday will finally hear oral arguments in the biggest environmental and energy case in years: a massive challenge to the legality of the Clean Power Plan.

#### Tougher EB-5 Rules Could Follow Election Season Gridlock

A Friday expiration date for the EB-5 immigrant investor program and upcoming elections mean lawmakers will likely act further down the road to toughen the troubled program's standards for qualifying projects and prevent abuses, but doing so will mean overcoming stark regional differences and other hurdles, experts say.

#### Report Suggests Paths To High Court Broadcasts, Term Limits

A group that wants the U.S. Supreme Court to adopt mandatory retirement ages or term limits and to begin broadcasting oral arguments says crisis, politics and closely watched cases have paved the way for those practices in some of the countries that have already implemented them and that the U.S. has ways to follow suit.

#### House Passes Cybersecurity, Transit, Food Security Bills

The House of Representatives passed bills Monday meant to tweak various parts of the country's security apparatus, ranging from the Department of Homeland Security's responsibilities for food and election security, to the amount of time that transit agencies can use grant money for security upgrades.

#### Fed's Stress Test Relief Unlikely To Stave Off Challenge

While the Federal Reserve's top regulatory official outlined plans Monday to make annual stress tests more predictable for regional banks, he said the Fed would hold firm in its refusal to give the biggest banks a peek at the testing process, even amid rumors of a potential legal challenge.

### LAW FIRMS

Alston & Bird  
Archer & Greiner  
Arnstein & Lehr  
BakerHostetler  
Brune Law PC  
Crowell & Moring  
Davis Polk  
Dentons  
Dorsey & Whitney  
Dowd Bennett  
Fox Rothschild  
Gibson Dunn  
Greenberg Traurig  
Haight Brown  
Hobbs Straus  
Hunton & Williams  
Jackson Lewis  
Jackson Walker  
Jenner & Block  
Katten Muchin  
Keller and Heckman  
Kirkland & Ellis  
Klasko Immigration Law Partne  
Latham & Watkins  
Linklaters  
Loeb & Loeb  
McGuireWoods  
Morgan & Morgan  
Morgan Lewis  
O'Melveny & Myers  
Paul Hastings  
Pillsbury Winthrop  
Polsinelli  
Proskauer Rose

## ANALYSIS

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### 4 Things Real Estate Lawyers Need To Know About Basel III

Although rules stemming from international banking standard Basel III have been in place in the U.S. since the beginning of 2016, lawyers say banks continue to be confused about which types of loans require additional capital on the books. Here, Law360 looks at four things real estate lawyers should know as they try to make sense of Basel III.

### New Emergency Alert Upgrades Could Aid Law Enforcement

The Federal Communications Commission is set to modernize the wireless emergency alert system in a vote Thursday that experts say is likely to tee up new capabilities such as adding hyperlinks to photos, which New York officials say would have aided their search for a bombing suspect last week.

### A Look At Trump's Labor Positions As The Election Nears

While Donald Trump hasn't always been clear about his position on labor and employment issues, perhaps the Republican nominee's evolving positions are starting to take shape as the presidential race enters the final stretch. Here, Law360 looks at where Trump appears to stand on key labor and employment issues.

### Lawyer Lineup For Clean Power Plan Oral Arguments

When oral arguments over the legality of the U.S. Environmental Protection Agency's Clean Power Plan take place at the D.C. Circuit on Tuesday, no fewer than 16 attorneys representing federal and state governments as well as industry giants will battle to determine the fate of the Obama administration's signature climate change rule slashing carbon emissions from existing power plants.

## BANKING & SECURITIES

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### China OKs Credit Default Swaps For 1st Time

Chinese officials on Friday approved the use of various credit default swaps, which are derivative contracts that provide insurance against loan defaults, marking the first time the country has approved such contracts and its latest move toward more market-oriented policies.

### Tilton Unlikely To Prevail In High Court Quest, SEC Says

The U.S. Securities and Exchange Commission has responded to private equity magnate Lynn Tilton's application at the U.S. Supreme Court for a stay of a \$200 million in-house fraud case against her and Patriarch Partners, saying there are other avenues available to her.

### SEC Adds 30 Days For Comment On Disclosure Requirements

The U.S. Securities and Exchange Commission said Friday it is giving commenters an extra month to respond to a controversial proposal to amend the agency's disclosure requirements, saying several letters it has already received call for an extension of the public's time for comment.

## ENERGY & ENVIRONMENTAL

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### Clean Power Plan 'Epic' Power Grab, AGs Say

The attorneys general for Texas and West Virginia blasted the U.S. Environmental Protection Agency's Clean Power Plan in advance of their

Reed Smith

Shearman & Sterling

Sidley Austin

Simpson Thacher

Skadden

Squire Patton Boggs

Steptoe & Johnson LLP

Weitz & Luxenberg

White & Case

Wiley Rein

Winston & Strawn

Yetter Coleman

## COMPANIES

Amazon.com Inc.

America Fujikura Ltd.

American Civil Liberties Union

American Electric Power  
Company Inc

American Federation of Labor &  
Congress of Industrial  
Organizations

American Federation of Televis  
and Radio Artists

American International Group Inc

American Public Power  
Association

CTIA

Center for American Progress

Equal Justice Initiative

Facebook

Ford Motor Company

General Electric Company

KBR, Inc.

Lyft Inc.

Make the Road New York

Marathon Petroleum Corp.

Mondelez International Inc.

NBCUniversal Inc.

National Health Law Program

National Immigration Law Center

Peabody Energy Corporation

Porsche

Temple-Inland Inc.

Texas Public Policy Foundation

The Mosaic Company

Twitter Inc.

arguments to nix the rule this week, maintaining Monday that the plan usurps state authority.

### Green Party's Bid To Get On Ariz. Ballot Denied By 9th Circ.

The Ninth Circuit on Friday upheld Arizona's requirements that new political parties must file a petition within 180 days of a primary election to get on the ballot, saying the Green Party's argument that the rule violates its constitutional rights is "purely speculative."

### Group Wants EPA Attys Sanctioned In 8th Circ. CWA Suit

An industry coalition on Friday asked the D.C. Circuit to sanction counsel for the U.S. Environmental Protection Agency for not turning over documents that allegedly show the agency applied an Eighth Circuit finding that the agency improperly crafted water pollution rules only to the states in that circuit's jurisdiction.

### EPA Extends Coolant Regs To Chems That Don't Harm Ozone

The U.S. Environmental Protection Agency has refused to back down from its push to regulate substances that don't deplete atmospheric ozone under its refrigerant management program, announcing Monday that it is moving forward with a final rule despite commenters who argued the agency had no such authority.

### Gov. To Change Fla. Pollution Notifications After Spill, Leak

In response to outcry over the handling of a recent sewage spill in St. Petersburg and a massive leak of radioactive wastewater at a phosphorous plant, Florida Gov. Rick Scott on Monday announced steps to update public notification requirements for pollution incidents.

### Challenge To 9-Year Del. Unclaimed Property Audit Tossed

A Delaware federal judge dismissed Marathon Petroleum Corp.'s challenge to a law that allowed the state to embark on a nine-year audit in search of abandoned property to seize, saying on Friday that the gas station operator had not raised a valid argument.

## AEROSPACE & DEFENSE

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### Trump Faults Clinton For Rise Of ISIS In National Security Fight

Republican presidential candidate Donald Trump argued Monday that he would be the better choice to defeat the Islamic State terror group, indirectly blaming Democratic nominee Hillary Clinton for its rise, as she argued that he lacked the necessary temperament to be commander-in-chief.

## HEALTH & LIFE SCIENCES

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### HHS Health Info Protection Rules, Oversight Are Lacking: GAO

The U.S. Department of Health and Human Services needs to improve its security and privacy guidance and oversight, the U.S. Government Accountability Office said in a report released Monday, saying the steps the agency has taken to protect health information don't go far enough.

### 7th Circ. Orders Ill. To Help Find Nurses For Sick Kids

The Seventh Circuit on Friday ordered the state of Illinois to do something to help chronically ill children seeking in-home nursing care, saying Medicaid required the state to not only pay for the services but also to help locate

U.S. Chamber of Commerce  
Washington Post Co.  
Waste Management, Inc.  
Whole Foods Market, Inc.

## GOVERNMENT AGENCIES

Bureau of Indian Affairs  
Bureau of Land Management  
California Department of Transportation  
Central Command  
Cherokee Nation  
Chickasaw Nation  
Department of Commerce  
Drug Enforcement Administration  
Eastern Shoshone Tribe  
Equal Employment Opportunity Commission  
Executive Office for Immigration Review  
Executive Office of the President  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Reserve Bank of NY  
Federal Reserve System  
Federal Transit Administration  
Florida Department of Environmental Protection  
Government Accountability Office  
Immigration and Customs Enforcement  
Jicarilla Apache Nation  
Muckleshoot Indian Tribe  
NAFTA  
NATO  
National Institute of Standards & Technology  
National Park Service  
New York State Senate  
Northern Arapaho Tribe  
Occupational Safety and Health Administration  
Port Authority of New York & New Jersey  
Rural Utilities Service

them.

## TRANSPORTATION & INFRASTRUCTURE

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### GWB Scandal Architect Says Plot Targeted 1st Day Of School

The architect behind the George Washington Bridge lane closures testified Monday at the trial of two former public officials that they took part in a political payback scheme against a mayor, saying the group sought to increase traffic woes by closing the lanes on the first day of classes at local schools.

### US DOT Awards \$5M To Boost Transit Service On Tribal Lands

The U.S. Department of Transportation said Monday it has awarded \$5 million to help Native American and Alaska Native communities boost transit service on tribal lands, under increased funding provided by last year's Fixing America's Surface Transportation Act.

### Billboard Co. Can't Knock Down Calif. Freeway Sign Rules

A California judge Monday tentatively denied billboard company Lamar's bid for a quick win on claims that California Department of Transportation regulations on highway-facing signs are unconstitutional, citing a state appeals court's recent affirmation of Los Angeles' billboard moratorium to say the more lax freeway rules are also constitutional.

### Christie Campaign Replaces Counsel In GW Bridge Suit

New Jersey Gov. Chris Christie's previous gubernatorial campaign organization, accused in consolidated putative class actions over the George Washington Bridge scandal, on Monday replaced its attorney from Squire Patton Boggs LLP with the head of Linklaters LLP's Washington, D.C., litigation and government investigations practice.

## REAL ESTATE

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### Buffalo Art Museum Getting \$125M Upgrade

A plan for a \$125 million expansion of a museum in Buffalo, New York, is moving ahead thanks in part to an injection of \$10 million in state funds as well as a whopping \$42.5 million private donation, according to an announcement on Friday from New York Democratic Gov. Andrew M. Cuomo.

## EMPLOYMENT

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### NJ Sens. Seek To Ban Employers' Use Of Salary History

A pair of New Jersey state senators have introduced legislation that would prevent employers from asking job applicants about their salary history and from relying on that information to determine potential wages at any stage during the hiring process, Senate Democrats announced Monday.

### Staffer Sues Ex-Pa. AG Kane Over 'Retaliatory' Demotion

The latest in a string of employment lawsuits against the Pennsylvania Attorney General's office was launched last week as a former regional operations supervisor claimed that he faced age discrimination and was ultimately demoted for intervening on behalf of a staffer who successfully fought off a disciplinary challenge.

## PRIVACY & CONSUMER PROTECTION

Securities and Exchange Commission

Special Inspector General for Afghanistan Reconstruction

U.S. Army

U.S. Attorney's Office

U.S. Census Bureau

U.S. Department of Agriculture

U.S. Department of Defense

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 Transportation

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. Navy

U.S. Senate

U.S. Supreme Court

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## Clinton, Trump Pledge Hard Line On Fighting Cyberattacks

Presidential candidates Hillary Clinton and Donald Trump on Monday vowed to combat cyberattacks that have plagued private companies and the federal government in recent years, with Clinton demanding action be taken against suspected state hackers like Russia and Trump pushing for the U.S. to regain control of the internet.

## Calif. Gov. Signs Privacy Bill Shielding Actors' Ages

Under a measure signed by California Gov. Jerry Brown on Saturday, actors and other industry professionals can scrub their ages from online entertainment employment service provider sites such as IMDb.com Pro, marking a victory for the union that backed the proposal.

## Feds Again Seek Clarity On Gender Guidelines Injunction

The U.S. government on Friday again defended its request that a federal judge offer clarification on his block of federal guidance that public schoolchildren be allowed to use the bathroom matching their gender identity, arguing that states challenging the directive, led by Texas, are trying to apply the ruling too broadly.

## PRODUCT LIABILITY

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### Docs Treating Opioid Addicts To Report Details To HHS

Doctors using medication to treat opioid addiction will soon be required to make annual reports about their patient caseloads, according to a U.S. Department of Health and Human Services final rule to be published Tuesday in the Federal Register.

### House OKs Bill Broadening DEA Drug Targeting Powers

The House of Representatives passed a bill Monday that would add several dozen compounds to the tightest-controlled list of drugs and give the Drug Enforcement Administration broader powers to target artificial agents of currently scheduled drugs.

## GOVERNMENT CONTRACTS

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### GAO Says Pentagon Needs To Improve Burn Pit Procedures

The Pentagon largely has partially addressed lawmakers' call to control its use of burn pits for managing waste at overseas bases, but has yet to fully assess the health risks of using the pits, a government watchdog said in a report Monday.

## IMMIGRATION

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### Trump Touts Tariffs, Clinton Talks Wages To Shore Up US Jobs

Employment was at the forefront in the opening stages of Monday's highly anticipated presidential debate, where Hillary Clinton spoke about her plans to help workers and Donald Trump emphasized the need to keep jobs in the U.S.

### NY Judge Seems Open To New Path In Immigration Block Case

A New York federal judge has indicated a willingness to break from a Texas court on Thursday in a case seeking to exempt certain New York residents from the block against the president's executive actions on immigration,



saying he had “no intention” of “marching behind in the parade,” according to a transcript.

## NATIVE AMERICAN

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### Obama Inks Bill Supporting Native American Tourism

President Barack Obama signed legislation on Friday that will require federal agencies to give more support to Native American tourism through existing federal programs and aid native groups working to build their own tourism infrastructure.

### BIA Says Taking Over Reservation Programs Makes Suit Moot

The Bureau of Indian Affairs told a Montana federal court on Friday that the agency's decision to take back control of programs that were jointly administered by the tribes on Wyoming's Wind River Reservation means a lawsuit accusing agency officials of improperly awarding the contracts to one of the tribes is now moot.

## EXPERT ANALYSIS

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### Looking Ahead: Emerging Labor And Employment Law Trends

With summer 2016 well behind us, employers should begin to plan for the major labor and employment law trends expected to emerge in the final quarter of the year and into 2017. From the looming overtime regulations to equal pay legislation and class action waivers, Joel Barras and Mark Goldstein of Reed Smith LLP dissect several of the developing trends in this arena.

### Tribal Consultation Opportunity Could Change US Landscape

The U.S. Department of Interior, U.S. Department of Justice and U.S. Department of the Army have released a joint statement halting construction on the Dakota Access Pipeline and inviting tribes to discuss whether new legislation should be proposed in order to better protect tribal rights. Lael Echo-Hawk of Hobbs Straus Dean & Walker LLP discusses the steps tribes should take in order to make the most of this opportunity.

### EPA Offers Insights For Retailer Waste Management

The U.S. Environmental Protection Agency recently published what it has termed a strategy for dealing with the management of hazardous wastes in the retail sector. Although the devil is in the details, the plan is potentially a promising step by the agency to provide the regulated community with greater clarity regarding its obligations in this complicated and confusing area, says Joseph Kakesh of Wiley Rein LLP.

## LEGAL INDUSTRY

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### 5 Ways BigLaw Is Helping Parents Get Back To Work

BigLaw is pulling out all the stops to retain lawyers who've recently had children, with three law firms unveiling programs targeting just that during the past two weeks alone. Here are five ways BigLaw is stepping up to help moms and dads get back to work.

### Dentons Set For Leadership Shuffle In 2017

Dentons, the world's biggest legal network, will reshuffle leaders headed into the New Year, the firm announced on Monday.

## Cops Say Texas Atty Who Shot 9 May Have Had Firm Problems

A Houston attorney who may have been disgruntled over his professional life donned a military-like uniform adorned with Nazi emblems, police said, as he indiscriminately fired dozens of rounds — from a handgun and Tommy gun — at passersby, sending nine to the hospital before police shot and killed him.

## 15 New Immigration Judges Sworn In To Serve Across US

The Executive Office for Immigration Review announced Monday it has sworn in 15 new immigration judges who will begin hearing cases this month in courts in California, Florida, Arizona, Colorado, Georgia, Nebraska, Illinois, New York, Massachusetts, Utah and Oregon.

## Pro Bono Firm Of 2016: Gibson Dunn

From bringing home an Alabama state trooper who spent 15 years on death row after an unfair trial to international efforts like providing desperately needed legal assistance to British families and domestic violence victims, Gibson Dunn's commitment to giving back cemented its spot among Law360's Pro Bono Firms of 2016.

## Rainmaker Q&A: Haight Brown's Peter Dubrawski

Understanding a client goes beyond simply understanding their legal needs. It delves into what the company is all about. You want to let them know that you can be a partner of theirs and a meaningful part of their business, says Peter Dubrawski, leader of Haight Brown & Bonesteel LLP's transportation law practice group.

## Rainmaker Q&A: Dowd Bennett's James Martin

It's important to have the right people with you to make a pitch. Too many lawyers try to present themselves as a jack of all trades. Instead, create teams to offer a panel of strengths to the client, says James Martin, a partner at Dowd Bennett LLP.

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