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Subject: Senate OKs Compromise FAA Funding Bill To Avoid Shutdown

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## PUBLIC POLICY

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Thursday, July 14, 2016

#### TOP NEWS

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##### Senate OKs Compromise FAA Funding Bill To Avoid Shutdown

With a Senate vote Wednesday, Congress has passed a compromise bill that would keep the Federal Aviation Administration funded and running through next year, averting an agency shutdown later this week.

##### House Set To Block BLM Fracking Rule

The House of Representatives approved a measure in an annual funding bill that would block the Bureau of Land Management's rule for hydraulic fracturing on public and tribal lands early Wednesday, aiming to quash the regulations currently the subject of an administration appeal to the 10th Circuit.

##### SEC Adopts Swaps Rules, Proposes Disclosure Changes

The Securities and Exchange Commission on Wednesday approved a host of new rules and proposals, including adopting amendments related to swap transaction reporting and tweaking its administrative court proceedings, while also voting to propose controversial changes to disclosure requirements.

##### Senate Passes Anti-Opioid Abuse Funding, Reform Bill

The U.S. Senate voted to pass a compromise anti-opioid abuse bill on Wednesday afternoon, sending sweeping changes in drug abuse treatment as opposed to enforcement to the president's desk after a similar House vote last week.

##### Judge Koh Defends Herself At 9th Circ. Confirmation Hearing

U.S. District Judge Lucy H. Koh addressed her decision on cellphone location data evidence and written remarks from her law school days about the need for minority judges to "maintain the disguise of objectivity" at her confirmation hearing for the Ninth Circuit Court of Appeals before the Senate Judiciary Committee Wednesday.

##### Trump Says Ginsburg's Criticism Shows 'Her Mind Is Shot'

Donald Trump on Wednesday demanded that U.S. Supreme Court Justice Ruth Bader Ginsburg resign over recent disparaging comments she made to the media about the presidential candidate, saying her "very dumb" assertions

#### LAW FIRMS

Alston & Bird  
Ashurst LLP  
Baker Botts  
BakerHostetler  
Blank Rome  
BuckleySandler  
Cleary Gottlieb  
Covington & Burling  
DLA Piper  
Davis Polk  
Davis Wright Tremaine  
Dechert  
Dewey & LeBoeuf  
Earthjustice  
Finnegan  
Fisher Phillips  
Foley Hoag  
Frankfurt Kurnit  
Fried Frank  
Galloway Wettermark  
Gibson Dunn  
Greenberg Traurig  
Harman Claytor  
Hinshaw & Culbertson  
Hogan Lovells  
Hubbard Law Firm  
Hunton & Williams  
Jenner & Block  
Kellogg Huber  
Liskow & Lewis

showed "her mind is shot."

## ANALYSIS

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### 'Pokemon Go' Developer Wades Into Privacy Minefield

The rapid rise of the hit smartphone game "Pokemon Go" has opened the developer of the app up to heavy scrutiny from regulators and users, who may end up wielding a variety of privacy and consumer protection laws to address concerns over the type and quantity of data being collected.

### SEC Faces Long Road Ahead On Admin Court Reforms

The U.S. Securities and Exchange Commission voted Wednesday with little fanfare to approve changes to its administrative court aimed at addressing criticism of the in-house tribunal, but attorneys said the tweaks are very small steps that leave a number of issues unaddressed.

## BANKING & SECURITIES

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### FDIC Reviewing New Bank Application Process

The Federal Deposit Insurance Corp.'s top official on Wednesday told members of Congress that his agency plans to review its deposit insurance application process amid a furor among Republicans about the lack of new bank creation since the financial crisis.

## ENERGY & ENVIRONMENTAL

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### States Urge 10th Circ. To Revive Clean Water Rule Challenge

A group of nearly 30 states urged the Tenth Circuit on Tuesday to revive the U.S. Chamber of Commerce's challenge to the federal clean water rule, saying the court is not bound by a Sixth Circuit ruling that circuit courts hold jurisdiction over the claims.

### Calif. Cap-And-Trade May Get 10-Year Extension

California air regulators on Tuesday unveiled proposed revisions to the state's cap-and-trade program that would extend the carbon emissions reduction scheme from 2020 to 2030 and envisions steeper annual emissions cuts.

### House Science Chair Subpoenas NY, Mass. AG Climate Docs

The chairman of the House Committee on Science, Space and Technology on Wednesday issued subpoenas to the attorneys general of New York and Massachusetts along with eight environmental organizations, seeking documents related to their alleged coordination of attacks on climate change skeptics.

### 10th Circ. Nixes BLM Fracking Rule Stay Amid Appeal

Environmental groups challenging the invalidation of the U.S. Bureau of Land Management's hydraulic fracturing rule won a round Wednesday when the Tenth Circuit vacated an injunction blocking the measure.

### House GOP Targets Enviro Regs In Interior Funding Bill

House Republicans on Wednesday voted to approve amendments to a U.S. Department of the Interior and EPA funding bill that aim to upend various environmental regulations, ranging from forbidding settlement payouts under the Clean Air Act to undoing Endangered Species Act designations.

## HEALTH & LIFE SCIENCES

McCusker Anselmi

McDermott Will

Nixon Peabody

Norton Rose Fulbright

Nossaman LLP

O'Melveny & Myers

Orrick Herrington

Patterson Belknap

Paul Hastings

Perkins Coie

Ropes & Gray

Roth Law Firm

Schnader Harrison

Seyfarth Shaw

Sheppard Mullin

Shook Hardy

Thomas & Solomon

Thompson & Knight

Troutman Sanders

Weisbrod Matteis

Williams & Connolly

Willkie Farr

Wolford Law Firm

## COMPANIES

AT&T Inc.

American Automobile Association

American Bankers Association

American Bar Association

American Cable Association

American Civil Liberties Union

American International Group Inc.

Ames & Gough

Anthem Inc.

Apple Inc.

Association of Corporate Counsors

Bank Muscat SAOG

Bharti Airtel Ltd.

Celgene Corporation

CenturyLink Inc.

Chevron Corporation

Comcast Corporation

Communications Workers of America

Consumer Bankers Association

Eastman Kodak Co.

Elliott Management Corp.

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## US Lawmakers Express Doping Enforcement Concerns To IOC

U.S. lawmakers expressed concern to the International Olympic Committee, in a letter released Wednesday, that conflicts of interest are hindering the fight against doping in international sports.

## ACA Marketplace Leader Struggles To Soothe Co-Op Fears

The Affordable Care Act's marketplace chief on Wednesday tried to ease doubts on Capitol Hill about the law's co-op insurance plans, but many lawmakers appeared convinced that more failures are looming.

## Texas AG Says Pharmacy Choice Rule Not Yet Enforceable

Texas can't yet enforce a statute that would allow patients to use the pharmacy of their choice, but the law — deemed preempted under the Employee Retirement Income Security Act of 1974 by the Fifth Circuit in 1997 — could resume its effectiveness based on a 2003 U.S. Supreme Court decision, the Texas Attorney General's office said Wednesday.

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## TRANSPORTATION & INFRASTRUCTURE

### PHMSA Floats New High-Hazard Flammable Train Rule

The Pipeline and Hazardous Materials Safety Administration on Wednesday proposed new regulations for trains that carry highly flammable cargo such as crude oil that are designed to improve spill response readiness and mitigate the effects of disasters.

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## INSURANCE

### Obama Taps Mo. Insurance Chief For Licensing Board

President Barack Obama has nominated Missouri Insurance Director John Huff to serve on the board of directors for a newly formed national organization that will create a one-stop licensing process for insurance agents and brokers seeking to do business in multiple states, Huff's office said Wednesday.

### DC Crash Coverage Law Faces Overhaul After Council Vote

The District of Columbia's legislative body on Tuesday voted unanimously to approve an overhaul of a district law that bars bicycle riders and pedestrians from collecting insurance for medical bills stemming from vehicle collisions if it is found they are even 1 percent to blame for the accident.

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## EMPLOYMENT

### EEOC Issues Updated Equal Pay Data Rule

The U.S. Equal Employment Opportunity Commission on Wednesday unveiled a revised version of its proposal to expand pay data collection from federal contractors and other employers with more than 100 workers, pushing back the date of the first required employer report to allow for the use of workers' W-2 reports.

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## PRIVACY & CONSUMER PROTECTION

### CFPB Gets Win In Constitutional Challenge

A D.C. federal judge gave the Consumer Financial Protection Bureau a win in a suit filed against it by a small Texas bank, ruling that bureau Director

Financial Services Roundtable  
Google Inc.  
Home Depot, Inc.  
Honda Motor Co. Ltd.  
International Association of Athletics Federations  
International Olympic Committee  
Ironshore Inc.  
JPMorgan Chase & Co.  
Jaffe PR  
Juno Therapeutics Inc.  
MasterCard Incorporated  
National Association of Insurance Commissioners  
National Association of Manufacturers  
Navistar International Corporation  
Neiman Marcus Group  
New Jersey State Bar Association  
New York Times Co.  
Nintendo Co. Ltd.  
PHH Corporation  
PricewaterhouseCoopers  
Prudential Financial Inc.  
Public Knowledge  
S1 Corporation  
Samsung Electronics Co. Ltd.  
Sierra Club  
Swiss Re  
Target Corporation  
The Walt Disney Company  
Turner Broadcasting System Inc.  
Twitter Inc.  
U.S. Chamber of Commerce  
Union of Concerned Scientists  
United States Olympic Committee  
United States Telecom Association  
Verizon Communications  
Washington Post Co.  
Wells Fargo & Co.  
World Anti-Doping Agency  
XL Catlin  
Zeughauser Group LLC

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## GOVERNMENT AGENCIES

Army Corps of Engineers

Richard Cordray's reappointment in 2013 after his 2012 recess appointment allowed him to ratify all his previous actions.

## Christie Wins Appeal To Hold Back Political Office Docs

New Jersey Gov. Chris Christie's office won a government records showdown Wednesday when an appeals panel blocked a radio station's access to certain documents used by an office unit that came under scrutiny when the George Washington Bridge scandal erupted in 2014.

## Transgender Bathroom Row Heads To Supreme Court

A Virginia school board has taken its case to bar a transgender high school student from using the bathroom of his choice to the nation's highest court on Wednesday, a day after a split Fourth Circuit panel said it would not halt the case, according to news reports.

## PRODUCT LIABILITY

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### FDA Overreaching With Tobacco Rule Expansion: E-Cig Cos.

Three Alabama-based e-cigarette companies challenged a recently finalized rule that expands the U.S. Food and Drug Administration's ability to regulate all tobacco products, contending in a lawsuit filed on Tuesday that the measure goes too far and will likely push them out of business.

## GOVERNMENT CONTRACTS

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### Diplomacy, Military Hard Line Urged In South China Sea Spat

Two former U.S. government officials urged lawmakers on Wednesday to take an assertive military stance in the South China Sea despite unwavering territorial claims by China, just a day after an arbitral tribunal ruled in favor of the Philippines in its dispute with China over control of several islands in the sea.

## INTERNATIONAL TRADE

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### EU Trade Deals Risky For Data Protection, Study Says

The European Union does not sufficiently safeguard citizens' personal data and privacy rights when it trades with other countries, according to a study published Wednesday by University of Amsterdam researchers.

### Hong Kong Trader Gets 2-Year Ban For Botched Trades

A Hong Kong futures trader at Yue Xiu Futures Co. Ltd. had his license yanked for two years after bungling instructions to buy oil futures — he sold them instead — and made several unauthorized trades to attempt to correct his position, the Hong Kong Securities and Futures Commission announced Wednesday.

## TAX

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### Senate Votes To Make Olympic Winnings Off-Limits To IRS

The U.S. Senate passed legislation Tuesday that would exempt American Olympic athletes from having to pay federal taxes on medals and other prizes, sending the bill over to the U.S. House of Representatives for further consideration.

### New Zealand Moves To Bolster Foreign Trust Regulations

Bureau of Land Management  
California Environmental Protection Agency  
California Natural Resources Agency  
Centers for Disease Control and Prevention  
Centers for Medicare & Medicaid Services  
Consumer Financial Protection Bureau  
Equal Employment Opportunity Commission  
Executive Office of the President  
Federal Aviation Administration  
Federal Communications Commission  
Federal Deposit Insurance Corp  
Federal Railroad Administration  
Federal Reserve System  
Federal Trade Commission  
Food and Drug Administration  
Indian Health Service  
National Highway Traffic Safety Administration  
Permanent Court of Arbitration  
Pipeline and Hazardous Materials Safety Administration  
Port Authority of New York & New Jersey  
Securities and Exchange Commission  
Texas Department of Insurance  
U.S. Army  
U.S. Department of Education  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of State  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Senate  
U.S. Sentencing Commission  
U.S. Supreme Court

New Zealand is adopting recommendations from a government-appointed tax specialist — including implementing a registry of foreign trusts — to improve the disclosure of foreign trusts, enhance anti-money laundering rules and increase information sharing between government agencies, officials announced on Wednesday.

### Anaheim To Give Disney \$267M In Tax Rebates For New Hotel

The Walt Disney Co. will receive roughly \$267 million in tax rebates over the next two decades in connection with a luxury hotel that the company is planning to build near its Anaheim, California, theme park, thanks to an Anaheim City Council vote on Tuesday.

## IMMIGRATION

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### House Bill Would Keep DACA Recipients Out Of The Military

Numerous Republicans in the U.S. House of Representatives have gotten behind a bill that would prevent immigrants who did not enter the country legally but were granted deportation relief under the Deferred Action for Childhood Arrivals program from serving in the U.S. military.

## TELECOMMUNICATIONS

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### FCC Chief Defends Efforts Against Lifeline Fraud

The Federal Communications Commission is playing “whack-a-mole” to combat long-standing Lifeline program flaws but has made progress, the agency's chief said Tuesday, responding to charges of Lifeline fraud and abuse from a Republican FCC commissioner and GOP lawmakers.

### Public Interest Group, Union Caution FCC On Tech Transition

The nonprofit Public Knowledge and the Communications Workers of America union have teamed up to urge the Federal Communications Commission to ensure key safeguards, including continued broadband access, in its plan to smooth the technology transition to more advanced network infrastructure.

### Verizon Calls For Set-Top Box Compromise At FCC

An apps-based set-top box proposal floated by industry stakeholders is “a promising step forward” in the heated debate over the Federal Communications Commission’s plan to unlock the TV set-top box, Verizon said Tuesday, calling for participants to work together to find a solution.

### AT&T, CenturyLink Rip Lifeline Reform At DC Circ.

AT&T, CenturyLink and USTelecom blasted the Federal Communications Commission for allegedly not delivering much-needed reforms to the Lifeline program, telling the D.C. Circuit on Tuesday that high-cost service requirements are still imposed under the agency's new regulations without proper reimbursements.

## EXPERT ANALYSIS

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### Will McDonnell Corruption Decision Save Silver And Skelos?

There has been widespread speculation that the U.S. Supreme Court's recent McDonnell decision provides a means to avoid prison for two of the most prominent politicians embroiled in corruption cases — Sheldon Silver and Dean Skelos. James Corsiglia of Cleary Gottlieb Steen & Hamilton LLP takes a look at whether their acts meet the new standard of “official acts” laid down



in McDonnell.

### [A Weak Case For Banning Class Waivers: What CFPB Missed](#)

The Dodd-Frank Act gave the Consumer Financial Protection Bureau the opportunity to think broadly about dispute resolution. Unfortunately, instead it decided to reinstitute a class action regime that its own study indicates poorly serves consumers' interests, says Eric Mogilnicki, a partner at Covington & Burling LLP and former chief of staff to the late Sen. Ted Kennedy.

### [NHTSA Autonomous Vehicle Rules Take An Unexpected Turn](#)

In recent discussions about guidelines for autonomous vehicles, National Highway Traffic Safety Administration Administrator Mark Rosekind noted that states will be allowed to develop some of their own rules. However, auto manufacturers and technology companies are understandably concerned about a patchwork quilt of different state laws, which could impact not only how AVs evolve, but also when, says Todd Benoff at Alston & Bird LLP.

### [Breach Response: New Laws To Know And 5 Questions To Ask](#)

The spring legislative sessions this year brought a now-familiar round of revisions to data breach notification laws, with states broadening their laws in often divergent ways. These changes and two new Seventh Circuit decisions complicate best practices for responding to an incident compromising personal information, say Amelia Gerlicher and Todd Hinnen of Perkins Coie LLP.

### [An Unprecedented Expansion Of Calif. Water Board Authority](#)

The California State Water Resources Control Board's draft permitting procedures for discharges of dredge and fill material into state waters seeks to expand its permitting jurisdiction. If adopted, the procedures would impose additional regulatory hurdles and permit requirements on a wide range of industries and activities, including private development, agricultural operations and infrastructure development, say attorneys at Nossaman LLP.

## [LEGAL INDUSTRY](#)

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### [3 Tips For Stealing Clients From Competitors](#)

Some bonds are too strong to break, even those between a law firm and a long-standing client — or at least it would seem. Here, experts and attorneys talk about a few ways that law firms can win clients away from competing law firms.

### [This BigLaw Firm Named Best To Work For](#)

The title of this year's best law firm to work for has been clinched by a global BigLaw giant, according to the results of a survey on associates' quality of life in the workplace released on Wednesday.

### [Nixon Peabody Fights Jury's \\$1M Award Over Denied Bonus](#)

Nixon Peabody LLP has asked a state court to set aside the nearly \$1 million verdict leveled against it last month when a jury found the firm was wrong to refuse to pay a former associate a hefty bonus for bringing in a big client.

### [M&A Attys Face More Malpractice Suits As Deals Get Trickier](#)

Watch yourself, dealmakers: An unfortunate confluence of increasingly creative corporate transactions and legal cost-cutting drove up the number of malpractice claims springing from mergers and acquisitions last year, a trend

that should inspire more caution in the practice moving forward, experts say.

### Budget Cuts Force In-House Legal Teams To Evolve: Report

More than half of general counsels have had their budgets cut during the past year and nearly 90 percent say they have faced pressure to improve the efficiency of their departments and reduce costs, a new report out Wednesday has found.

### NY Ruling Strengthens Shield For In-House Ethics Advice

Professional liability experts are praising a New York appeals court decision backing the right of lawyers to keep ethical guidance from general counsels confidential, saying the privilege will encourage frank discussions that protect clients as well as attorneys and their firms.

### Global 20: Dechert

In the past year Dechert LLP represented Celgene Corp. in a record-shattering life sciences licensing deal, guided billions in debt offerings by Egypt and other states and advised 18 of the 20 largest global asset managers, putting it among Law360's Global 20 for the third time.

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