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**Subject:** Mattis Aims Concerns About Russia In Confirmation Hearing

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## PUBLIC POLICY

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Friday, January 13, 2017

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### TOP NEWS

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#### [Mattis Aims Concerns About Russia In Confirmation Hearing](#)

Former Marine Corps Gen. James Mattis expressed concerns about an increasingly aggressive Russia at a congressional hearing Thursday, one of several key policy areas where the secretary of defense nominee is likely to be at odds with President-elect Donald Trump.

#### [Pompeo To Push Greater Cyber Protections As CIA Head](#)

Mike Pompeo said during a Senate hearing Thursday on his nomination for CIA director that the country needs better cyber policy and protections, as he looks to take charge of the U.S.' largest foreign intelligence agency.

#### [Expect More Companies To Disclose Trump In Risk Factors](#)

As President-elect Donald Trump prepares to take the reins, capital markets attorneys say certain companies behind the scenes are updating the "risk factors" sections of their corporate disclosures to warn investors of potential risks resulting from policy changes in the new administration.

#### [Senate Approves Waiver For Defense Chief Nominee Mattis](#)

The U.S. Senate on Thursday passed a bill removing a block on nominee James Mattis serving as secretary of defense, with the former Marine Corps general winning strong support from both sides of the political aisle.

#### [Analysis](#)

#### [New 3-Member FCC May Seek Consensus Post-Wheeler](#)

The Federal Communications Commission after Jan. 20 will be down two of its five commissioners and begin the Trump administration with a 2-1 GOP majority, but experts say the new leadership may also bring a fresh push for common ground amid continuing political differences after Chairman Tom Wheeler's controversial tenure.

#### [Dems, GOP May Be On Collision Course Over Tax Reform](#)

The top Democrat on the House Ways and Means Committee was critical of the House Republicans' tax reform blueprint, saying during a speech Thursday that it will concentrate tax cuts on the wealthiest individuals and indicating that differences between the two parties may be unbridgeable.

#### [FBI, DOJ Face Investigation Into Clinton Email Probe](#)

The inspector general for the U.S. Department of Justice is investigating potential misconduct by the FBI and the DOJ in connection with the pre-

### LAW FIRMS

Alston & Bird  
Andrews Kurth Kenyon  
Archer & Greiner  
Arnold & Porter Kaye Scholer  
Becker & Poliakoff  
Bircham Dyson  
Blank Rome  
Brashear LLP  
Cooper & Kirk  
DLA Piper  
Davis Polk  
Debevoise & Plimpton  
Dinsmore & Shohl  
Eckert Seamans  
Fish & Richardson  
Goodwin  
Graham Curtin  
Greenberg Traurig  
Hinckley Allen  
Holland & Hart  
Holland & Knight  
Jones Day  
Jones Walker  
Kelley Drye  
Kirkland & Ellis  
Lerman Senter  
Linklaters  
Mayer Brown  
Munger Tolles  
Norton Rose Fulbright  
Olshan Frome Wolosky  
Perkins Coie  
Quinn Emanuel  
Sacks Tierney

election investigation into Hillary Clinton's private email server, the watchdog announced on Thursday.

#### Analysis

### As Justices Weigh Cert For NJ, Sports Betting Push Surges

With the U.S. Supreme Court set to consider Friday whether to hear New Jersey's challenge to a 25-year-old federal law prohibiting states from authorizing sports betting, pressure to change the law will only continue to build — regardless of how the court rules.

## BANKING & SECURITIES

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#### Analysis

### SEC's Universal Proxy Proposal Draws Wide-Ranging Critique

The U.S. Securities and Exchange Commission's proposed rulemaking concerning universal proxy access is drawing mixed reviews from industry professionals, with some suggesting slight tweaks and others bemoaning the impact such changes may have on public companies.

### Attys Allowed To Give Advice On US Sanctions, Feds Say

American attorneys are allowed to advise foreign clients about U.S. sanctions law, the Department of the Treasury said in a clarification Thursday.

### SEC To Focus On 'Robo-Advisers,' Senior Abuse In 2017

The U.S. Securities and Exchange Commission announced its exam priorities for the year on Thursday, saying the agency's examiners will be reviewing how firms use "robo-advisers," identify financial exploitation of senior investors, and comply with new money market fund rules.

### House Passes Bills Aimed At SEC, CFTC Rulemakings

The House of Representatives pushed through a pair of bills aimed at the breadth of authority of the U.S. Securities and Exchange Commission and Commodity Futures Trading Commission, as Republicans said the bills would relieve investors and end users in the derivative markets.

## ENERGY & ENVIRONMENTAL

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### EPA Finalizes Nanoscale Chemical Reporting Requirements

The U.S. Environmental Protection Agency on Wednesday finalized a rule requiring one-time reporting of existing exposure and health and safety information on nanoscale chemical substances currently in use.

### EPA Moves To Ban Trichloroethylene In Vapor Degreasing

The U.S. Environmental Protection Agency on Wednesday proposed banning the toxic chemical trichloroethylene when it's used as a vapor degreaser, a move that will affect several industries including petroleum refineries, soap manufacturers and machine shops.

### Court Orders EPA To Create Jobs Analysis For Coal Industry

A West Virginia federal judge on Wednesday slammed U.S. Environmental Protection Agency Administrator Gina McCarthy for her "hostile" attitude toward complying with Clean Air Act requirements to study the effect of the agency's regulations on jobs, ordering the agency to come up with a study on plant closures and job losses by July.

Seyfarth Shaw

Shearman & Sterling

Siebmans Burg

Squire Patton Boggs

Trenk DiPasquale

Vinson & Elkins

White & Case

Wiley Rein

Winston & Strawn

Zabel Freeman

Zelle LLP

## COMPANIES

21st Century Fox Inc.

AT&T Inc.

Aetna Inc.

Amazon.com Inc.

America's Health Insurance Pla

American Bar Association

American Cable Association

American Civil Liberties Union

American Gaming Association

American Medical Association I

American Pharmacists Associa

Amgen Inc.

Assured Guaranty Ltd.

Biogen Inc.

Bristol-Myers Squibb Company

CVS Caremark Corporation

Chevron Corporation

Comcast Corporation

Costco Wholesale Corporation

Denbury Resources Inc.

Electric Reliability Council of  
Texas Inc.

Eli Lilly and Company

Energy Transfer Partners, L.P.

Express Scripts, Inc.

Facebook

Financial Industry Regulatory  
Authority Inc.

Ford Foundation

GEROVA Financial Group Ltd.

Genentech Inc.

Generic Pharmaceutical  
Association Inc.

Google Inc.

## Energy Pick Perry Cuts Ties With Dakota Access Companies

President-elect Donald Trump's choice for secretary of energy, former Texas Gov. Rick Perry, is breaking ties with some energy companies, including stepping down from the boards of two companies developing the Dakota Access pipeline and, should he be confirmed for the role, vowing to shed stock in them.

## HEALTH & LIFE SCIENCES

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### FDA Sticks With Suffixes On Biosimilar Names

Biosimilar names will have to include meaningless suffixes, the U.S. Food and Drug Administration said in final guidance Thursday, brushing off concerns about confusion.

### DaVita, Fresenius Win Temporary Block Of HHS Rule Change

A Texas federal judge on Thursday put a temporary block on a new U.S. Department of Health and Human Services rule set to take effect Friday requiring dialysis providers such as DaVita Inc. and Fresenius Medical Care to make certain disclosures about third-party premium assistance, court filings show.

### Trump's HHS Choice Inks Ethics Deal With Gov't Watchdog

President-elect Donald Trump's controversial choice to lead the U.S. Department of Health and Human Services will sell off health care stocks if confirmed, a government watchdog disclosed Thursday.

## MEDIA & ENTERTAINMENT

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### Fla. Gaming Bill Eyes Seminole Deal, Slots, Fantasy Sports

A comprehensive gaming bill filed Thursday in the Florida state Senate specifies a path to ending litigation and approving a new compact with the Seminole Tribe, regulating fantasy sports, and finding a balance between expanding opportunities for slot machines statewide while reducing overall gaming permits.

## TRANSPORTATION & INFRASTRUCTURE

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### Christie Wins Reversal Of GW Bridge Probable Cause Ruling

New Jersey Gov. Chris Christie scored a partial victory Thursday when a New Jersey state judge reversed a probable cause finding in an activist's criminal complaint against the governor over lane closures at the George Washington Bridge, because Christie's counsel had not been allowed to participate in the probable cause hearing.

## INSURANCE

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### Senate Vote Kicks Off ACA Repeal Process

The U.S. Senate early Thursday ordered congressional committees to quickly develop language for largely repealing the Affordable Care Act, keeping Republicans on track to undo President Barack Obama's signature domestic achievement.

### Consumers Can't Join ACA Cost-Sharing Case, DC Circ. Rules

Consumers can't take over for the Obama administration in fighting a U.S.

H. J. Heinz Company

ImmunoGen, Inc.

Ion Media Networks Inc.

McKesson Corporation

Media General Inc.

Methode Electronics, Inc.

Microsoft Corporation

Murray Energy Corp.

NFL Enterprises LLC

National Association of Broadcasters

National Basketball Association

National Collegiate Athletic Association

National Hockey League

New York State Common Retirement Fund

Newegg Inc.

Northern Mariana Islands Retirement Fund

Oakland Raiders

Overstock.com Inc.

Pfizer Inc.

Planned Parenthood Federation

Research In Motion Limited

Rite Aid Corporation

Royal Dutch Shell PLC

SIFMA

Sprint Nextel Corporation

Sunoco

T-Mobile USA Inc.

Tesla Motors Inc.

The Capital Group Companies

Trump Organization Inc.

Twitter Inc.

U.S. Bancorp

U.S. Chamber of Commerce

U.S. Renal Care Inc.

Verizon Communications

Wayfair LLC

Zimmer Biomet Holdings Inc.

## GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Indian Education

Centers for Medicare & Medicaid Services

House of Representatives lawsuit that challenges Affordable Care Act cost-sharing reductions, the D.C. Circuit ruled Thursday.

## Ryan Promises 'Concurrent' ACA Repeal And Replacement

House Speaker Paul Ryan reiterated President-elect Donald Trump's promises for a simultaneous repeal and replacement of the Affordable Care Act on Thursday, hours after the Senate took a series of votes that advanced the repeal effort.

## REAL ESTATE

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### Carson Can't Guarantee HUD Funds Won't Go To Trump

Dr. Ben Carson, President-elect Donald Trump's choice to lead the U.S. Department of Housing and Urban Development, on Thursday said that he would try to prevent taxpayer money from flowing into projects that would benefit the incoming president but could not guarantee he would do so.

## EMPLOYMENT

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### SEC OKs Fund Commissions To Help Brokers With DOL Rule

The U.S. Securities and Exchange Commission issued a no-action letter Wednesday agreeing that broker-dealers can set their own commissions for sales of certain mutual funds, relief that could help brokers and the fund industry adapt to the U.S. Department of Labor's new fiduciary rule.

### 3rd Circ. Asks NJ Justices To Weigh In For Fired Atty Case

The Third Circuit has asked the New Jersey Supreme Court to determine if the state's municipal charter law allows a governing body to fire a town solicitor who lost the body's trust and confidence, but didn't violate the law or ethics rules.

### Funds To Get Hearing Over Puerto Rico Pension System Debt

The First Circuit has reversed a Puerto Rico federal judge's refusal to lift an executive order stay for a group of investment funds seeking payments on their stakes in the commonwealth's pension system, saying they are entitled to a hearing since future employer contributions are not certain.

### Fla. School Board Settles Pregnancy Bias Allegations

The Palm Beach County School District's school board has agreed to pay \$350,000 to an assistant principal to settle allegations that it violated federal anti-discrimination regulations by demoting her after she became pregnant, according to a filing Thursday in Florida federal court.

## COMPETITION

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### Sens. Reintroduce Bill Regulating Pay-For-Delay Deals

Two U.S. senators reintroduced bipartisan legislation on Thursday that proposes to crack down on anti-competitive pay-for-delay pharmaceutical deals in which brand companies pay their generic rivals not to compete as part of a patent settlement.

## GOVERNMENT CONTRACTS

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### Federal Acquisition Council Issues Five Final Rules

The U.S. Department of Defense, the U.S. General Services Administration

Services

Central Command

Central Intelligence Agency

Commodity Futures Trading Commission

Federal Acquisition Regulatory Council

Federal Bureau of Investigation

Federal Communications Commission

Federal Housing Administration

Federal Trade Commission

Food and Drug Administration

Internal Revenue Service

NAFTA

NATO

National Aeronautics and Space Administration

National Security Council

New York State Department of Financial Services

Office of Foreign Assets Control

Office of the Comptroller of the Currency

Pennsylvania Department of State

Port Authority of New York & New Jersey

Securities and Exchange Commission

Seminole Tribe of Florida

Small Business Administration

U.S. Air Force

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services

and NASA on Thursday laid out a slate of finalized procurement and contracting regulations, including one that cracks down on contractors that bar their employees from blowing the whistle on waste, fraud or abuse.

## INTERNATIONAL TRADE

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### US Sanctions 18 Syrian Officials For Chemical Attacks

The U.S. Treasury Department walloped 18 Syrian officials with sanctions Friday, marking the first time the government has blacklisted specific individuals within the embattled Middle Eastern nation for state-coordinated chemical weapons attacks against civilians.

## TAX

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### Amazon To Begin Remitting Sales Tax To South Dakota

South Dakota Republican Gov. Dennis Daugaard has announced that Amazon.com Inc. will start remitting sales tax in the state, a move that follows Daugaard's signing of a bill seeking to overturn decades-old U.S. Supreme Court precedent that limits states' ability to collect sales and use taxes from out-of-state sellers.

### Coinbase Dives Into IRS Summons Fight

Virtual currency exchanger Coinbase Inc. asked Thursday to intervene in a lawsuit in California federal court over an IRS summons of its client information, saying it has additional arguments to present to the court to add to those presented by one of its clients.

## BANKRUPTCY

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### NJ Water Agency Seeks Sanctions For Atty Over Dismissal Bid

A defunct Newark, New Jersey, water agency on Wednesday blasted Trenk DiPasquale Della Fera & Sodono PC's bid to escape a lawsuit over corruption at the organization, saying the firm's attorney should be sanctioned for his misrepresentations before a New Jersey federal bankruptcy judge.

## IMMIGRATION

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### US Ends Special 'Wet Foot, Dry Foot' Policy For Cubans

The U. S. government is discontinuing a longstanding policy for Cuban migrants known as "wet foot, dry foot," the head of the Department of Homeland Security announced Thursday, ending a special way for Cubans who made it to U.S. soil to obtain parole and eventually green cards.

### USCIS Hits H-2B Cap For First Half of The Fiscal Year

U.S. Citizenship and Immigration Services announced Thursday that it has hit the cap for H-2B guest-worker visas for the first half of the current fiscal year, with the announcement coming not long after Congress declined to revive the so-called H-2B "returning worker" program.

### DHS Looks To Hike EB-5 Investment Threshold

The U.S. Department of Homeland Security released on Thursday a second set of proposed changes to the EB-5 immigrant investor program, raising the required investment by up to 270 percent and rescinding states' ability to designate high-unemployment areas for investment.

## NATIVE AMERICAN

Administration

U.S. House of Representatives

U.S. Office of Government Ethic

U.S. Senate

U.S. Supreme Court

United Nations

Wyoming Legislature

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## Tribal Students File Civil Rights Suit Over Failing School

A group of students at a federally funded school for Havasupai Tribe members and the Native American Disability Law Center hit the Bureau of Indian Education with a suit in Arizona federal court Thursday, alleging the school falls far short of providing the education the students are owed under federal law.

## TELECOMMUNICATIONS

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### Nexstar, Others Back Challenge To FCC's Drop Of UHF Break

Nexstar Broadcasting Inc. and others have thrown their weight behind a petition for reconsideration of the Federal Communications Commission decision to nix a break given to UHF station owners on media ownership cap rules, arguing that the break and the cap are intertwined and cannot be addressed separately as the agency did.

## PEOPLE

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### New Pa. AG Taps Blank Rome Atty, Philly ADA As Deputies

Pennsylvania Attorney General-elect Josh Shapiro continued filling out his leadership team Thursday with the announcement that a Blank Rome LLP partner would lead his office's civil division and the top homicide prosecutor in Philadelphia would lead the criminal division.

## EXPERT ANALYSIS

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### The Outlook For The Pharmaceutical Industry Under Trump

Change is coming to the health care and pharmaceutical industries under Trump's administration, presenting both benefits and challenges. Conventional wisdom says that Trump's administration will permit greater flexibility in drug pricing, but Trump has expressed support for competition in the marketplace, which could lower the price of some drugs, say attorneys from Debevoise & Plimpton LLP.

### New York Revises Cybersecurity Proposal: A Closer Look

Although the revised version of New York's proposed cybersecurity regulations addresses several areas of concern or confusion for financial services firms, certain questions of scope and liability remain. In addition, the revised proposal's requirements remain extensive, say attorneys with Arnold & Porter Kaye Scholer LLP.

### A Fast Track For New Gaming Devices In Nevada

The Nevada Gaming Commission recently adopted an amendment that promises to streamline and expedite the gaming device approval process. The change benefits regulators, casinos, manufacturers and patrons alike, say Mark Clayton and Erica Okerberg of Greenberg Traurig LLP.

### Saving Lawyers 1 Breath At A Time: Mindfulness In The Law

As critical as lawyers are to society, they are reported to be the most frequently depressed occupational group in the United States. In response to the inherently stressful nature of the practice of law, more and more lawyers are turning to an ancient contemplative practice called "mindfulness," says Jennifer Gibbs of Zelle LLP.

## LEGAL INDUSTRY

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

A victory at the Federal Circuit for Comcast in its brawl with Sprint over fiber optics patents earned Davis Polk & Wardwell LLP and Winston & Strawn LLP spots on this week's legal lions list while Holland & Hart LLP and Hale Lane Peek Dennison and Howard became legal lambs after a judge sanctioned them for making "frivolous" filings while representing geothermal power plant operators in a Clean Air Act lawsuit.

## KWM Real Estate Outpost Grabbed As Administration Looms

As King Wood & Mallesons moves ever closer to entering administration, Bircham Dyson Bell has scooped up one of the firm's offices in Cambridge along with its nine real estate attorneys, adding to the steady stream of KWM lawyers who have jumped ship in recent weeks.

## Law360 Closed For Martin Luther King Jr. Day

The offices of Law360 will be closed Monday for the Martin Luther King Jr. holiday. Newsletter service will resume Tuesday, Jan. 17.

### JOBS

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