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Subject: McConnell Says No Senate Vote On TPP In 2016

PUBLIC POLICY

Monday, August 29, 2016

TOP NEWS

McConnell Says No Senate Vote On TPP In 2016

Senate Majority Leader Mitch McConnell said on Friday that passage of the Trans-Pacific Partnership will be the next president's problem, saying that the Senate will not vote on the treaty this year.

IRS To Provide Guidance On Legality Of Stock Distributions

The IRS issued guidance Friday saying that the agency will no longer refuse to provide letter rulings related to distributions carried out for corporate business purposes and transactions that may be deemed as simply a means to distribute earnings and profits.

Boxer Pushes EPA To Regulate Asbestos Under New TSCA

The top Democrat on the Senate Environment and Public Works Committee on Friday asked the U.S. Environmental Protection Agency to make regulating asbestos a top priority as it implements the newly revised Toxic Substances Control Act.

Obama Expands Hawaii Marine Reserve Into World's Largest

President Barack Obama on Friday expanded a Hawaiian marine sanctuary by more than 400,000 square miles to make it the largest such reserve on the planet, citing a need to protect wildlife and sacred Native space.

Calif.'s Strict Child Vaccination Law Stays In Effect For Now

A California federal judge declined Friday to temporarily bar state law requiring all children to be vaccinated before going to school or day care regardless of personal beliefs, giving the state and its agencies an early victory in defending one of the toughest vaccination laws in the country.

New Entrepreneur Rule Could Let Startup Founders Stay In US

U.S. Citizenship and Immigration Services issued a proposed rule on Friday that would allow immigrant startup founders to receive temporary permission to be in the country, otherwise known as "parole," setting the stage for a new potential way for foreign entrepreneurs to build companies in the U.S.

Ill. High Court Shoots Down Redistricting Amendment

Illinois' election authority certified the state's fall ballot on Friday without including the question of whether or not to ratify a popular proposed amendment regarding drawing the state's political boundaries after the Illinois Supreme Court found the amendment was unconstitutional.

LAW FIRMS

Akin Gump
Archer & Greiner
Barnes & Thornburg
Chadbourne & Parke
Covington & Burling
Cravath Swaine
Curtin & Heefner
DLA Piper
Dentons
Fish & Richardson
Gardere Wynne Sewell
Gelfand & Arpe
Gibson Dunn
Goldberg Segalla
Greenbaum Rowe
Greenberg Traurig
Hanson Bridgett
Holland & Knight
Jenner & Block
Jones Day
Kirkland & Ellis
Kramer Levin
Latham & Watkins
Mayer Brown
McDermott Will
McGlinchey Stafford
Miles & Stockbridge
Millberg Gordon
Mintz Levin
Morris Nichols
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
Nossaman LLP

ANALYSIS

5 Things To Watch As Commercial Drone Rule Takes Off

The Federal Aviation Administration's newly finalized regulations for the commercial use of small unmanned aircraft systems take effect Monday, providing operators with long-sought flexibility to fly drones for newsgathering, agricultural, land surveying, photography and other business purposes. Here are five things to keep an eye on.

6th Circ. Judicial Elections Ruling Shores Up Partisan Trend

A recent Sixth Circuit decision backing the right of Kentucky judicial candidates to promote their party affiliation is the latest to push states with traditionally nonpartisan election systems closer toward campaigns clearly divided between red and blue candidates, experts say, potentially discarding a key barrier between elected judges and traditional politics.

Brexit Causes Massive Headache For TTIP Talks: Former USTR

The uncertainty swirling around the United Kingdom's decision to vacate the European Union has put the Transatlantic Trade and Investment Partnership negotiations in a bind as the White House contemplates the best course of action for the massive agreement, former U.S. Trade Representative Mickey Kantor told Law360.

Rule For Foreign Startup Founders Seen As Helpful Stopgap

A long-awaited rule that would allow immigrant startup founders to temporarily stay in the U.S. was largely greeted by attorneys Friday as a welcome stopgap since entrepreneurs have limited visa options, but its potential investment demands mean the program likely won't be for everyone.

BANKING & SECURITIES

Conflict Minerals Audits Have No Standards, GAO Says

U.S. efforts to halt the flow of "conflict minerals" from war-torn parts of central Africa are running three years behind schedule, with few companies certifying their products support no human rights abuses and with no official standards for what that entails, the U.S. Government Accountability Office reported Thursday.

India To Let Banks Issue Masala Bonds To Foreign Investors

The Reserve Bank of India said it will now allow commercial banks to issue bonds denominated in rupees — also called Masala bonds — as part of a package of reforms unveiled Thursday to expand liquidity in the country's capital and currency markets.

SEC Signals Approval Of MSRB, FINRA Pay-To-Play Rules

The U.S. Securities and Exchange Commission on Thursday said it intends to approve rules proposed by the Municipal Securities Rulemaking Board and the Financial Industry Regulatory Authority prohibiting municipal advisers and broker-dealers from soliciting government business for two years after a political contribution.

SEC Continues To Solicit Public Comment On Disclosure Regs

The U.S. Securities and Exchange Commission continued its public search for input as it revamps its disclosure regime, soliciting comments on Thursday that relate to disclosure requirements for management, certain security

Orrick Herrington
Perkins Coie
Pillsbury Winthrop
Pinsent Masons
Pulman Cappuccio
Quarles & Brady
Richman Greer
Skadden
Sklar Kirsh
Squire Patton Boggs
Vinson & Elkins
Weiss Serota
Williams & Connolly
Wilson Sonsini
Womble Carlyle
Young Conaway

COMPANIES

AT&T Inc.
Aetna Inc.
Alibaba Group Holdings Ltd.
Allstate Corporation
Amazon.com Inc.
America Fujikura Ltd.
American Bar Association
American Cable Association
American Civil Liberties Union
American Federation of Labor &
Congress of Industrial
Organizations
American Postal Workers Union
American Trucking Association:
Inc.
Anchin Block & Anchin LLP
Apple Inc.
Ashland Inc.
BTI Consulting Group Inc.
Bank of America Corporation
Best Buy Co.
Computer & Communications
Industry Association
Courier Corporation
Daimler AG
Delaware Riverkeeper Network
E. I. du Pont de Nemours and
Company (DuPont)
Energy Transfer Equity, L.P.

holders and corporate governance matters.

ENERGY & ENVIRONMENTAL

Pa. Fracking Hopeful Says Court Should Weigh Well Block

A Pennsylvania landowner asked a federal court Friday not to toss its lawsuit against the Delaware River Basin Commission challenging its refusal to approve an exploratory well while a de facto fracking moratorium is in place, arguing it doesn't have to take up its case with the commission before heading to court.

HEALTH & LIFE SCIENCES

FDA Wants Blood Donations Tested For Zika Nationally

The U.S. Food and Drug Administration on Friday called for all donated blood to be tested for the Zika virus, not just donations in areas where the virus has been active.

Group Wants Out Of 'Irrational' ACA Birth Control Mandate

Secular anti-abortion group Real Alternatives Inc., in its effort to overturn a court order and become exempt from providing health insurance covering contraception, told the Third Circuit on Thursday that the federal government has no rationale to impose the mandate on nonreligious organizations that ideologically oppose certain contraceptive items.

TRANSPORTATION & INFRASTRUCTURE

NHTSA Proposes Speed Limiter Rule For Heavy-Duty Trucks

The National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration on Friday officially put their support behind the implementation of technology to limit the driving speed of heavy-duty trucks and vehicles, saying the move could reduce accidents and yearly fuel costs by more than \$1 billion.

REAL ESTATE

Fla. Court Says Town's Liens Stand Despite Foreclosure Suit

A Florida appeals court has ruled that liens on a property recorded after the notice that a foreclosure suit had been filed are not extinguished by the foreclosure process, in a win for municipalities around the state dealing with unoccupied "zombie homes."

Texas Housing Credit Policy Upheld After High Court Remand

A Texas federal judge dismissed a nonprofit's Fair Housing Act lawsuit against the state housing agency Friday, saying the complaint can't identify a specific practice governing the allocation of tax credits for low-income housing that creates a racially disparate impact.

EMPLOYMENT

UNC Can't Enforce Bathroom Law Against Plaintiffs: Judge

A North Carolina federal judge ruled Friday that the University of North Carolina cannot enforce a provision of the state's controversial bathroom law against three people suing over the policy, which requires transgender people

Ernst & Young

Financial Industry Regulatory Authority Inc.

General Motors

Google Inc.

Henry Schein, Inc.

Inovio Pharmaceuticals, Inc.

Intel Corporation

J.B. Hunt Transport Services Inc

Kroger Co.

Lambda Legal Defense & Educational Fund

London Stock Exchange Group PLC

National Association of Manufacturers

National Basketball Association

Natural Resources Defense Council

New York University

Newegg Inc.

Novell Inc.

Old Republic International Corp

Overstock.com Inc.

PepsiCo Inc.

SIFMA

Southern Wine & Spirits

State Farm

Twitter Inc.

U.S. Chamber of Commerce

Union Bank

Wayfair LLC

Wells Fargo & Co.

Williams Companies Inc

Yahoo! Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

California Environmental Protection Agency

Delaware River Basin Commission

Department of Commerce

Equal Employment Opportunity Commission

Executive Office of the President

Federal Acquisition Regulatory Council

to use bathrooms and locker rooms corresponding to the sex on their birth certificates.

[Prof. Asks 7th Circ. To Rehear Sexual Orientation Bias Row](#)

A woman whose suit against an Indiana community college has become a symbol of the struggle over protections against discrimination based on sexual orientation asked the Seventh Circuit for a rehearing en banc Thursday with the support of several members of the U.S. Congress and the Equal Employment Opportunity Commission.

COMPETITION

[Chamber Of Commerce Creates Antitrust Expert Group](#)

The U.S. Chamber of Commerce said Friday that it has commissioned a group of experts including law firm partners and antitrust and trade policy experts and tasked them with concocting new approaches to global antitrust policy.

[DOJ Warns Against Restricting Court Reporting Contracts](#)

The U.S. Department of Justice's Antitrust Division on Friday cautioned the California legislature against the potential anticompetitive effects of proposals to ban or limit contracts between court reporters and third parties, saying that such restrictions can cause barriers to entry.

[Feds Urge 3rd Circ. To Deny Rehearing Bid In Menendez Case](#)

Federal prosecutors on Thursday urged the Third Circuit to reject U.S. Sen. Bob Menendez's request for full circuit review of a decision upholding charges he unlawfully assisted a Florida eye doctor in exchange for gifts and political contributions, saying an examination into whether his alleged acts are protected from judicial scrutiny was properly done.

PRIVACY & CONSUMER PROTECTION

[Hackers Could Exploit Apple Security Flaws, Pol Warns](#)

A California congressman on Thursday called for a hearing to address security flaws in Apple's iOS operating system, warning they could allow hackers and foreign governments to access a cellphone user's location, passwords, text messages, emails, calls and contacts.

GOVERNMENT CONTRACTS

[DOD Doesn't Fully Grasp A-10 Retirement Implications: GAO](#)

The Pentagon does not have the necessary information on hand to fully understand the implications of its plan to retire the A-10 "Warthog" aircraft, according to a watchdog report, adding further support to lawmaker claims that the A-10 should be kept in service.

[GAO Urges Army To Up Oversight Of \\$2.9B Missile Upgrade](#)

Despite a cost comparable with major acquisition programs, the U.S. Army's \$2.9 billion plan to upgrade its Patriot surface-to-air missile system lacks an effective oversight mechanism to track progress against initial estimates, the U.S. Government Accountability Office said Thursday.

INTERNATIONAL TRADE

Federal Aviation Administration
Federal Communications Commission
Federal Motor Carrier Safety Administration
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Illinois Supreme Court
Internal Revenue Service
Municipal Securities Rulemaking Board
National Highway Traffic Safety Administration
National Labor Relations Board
National Security Agency
Occupational Safety and Health Administration
Securities and Exchange Commission
Small Business Administration
Texas Attorney General's Office
Texas Department of Housing and Community Affairs
Transportation Security Administration
U.S. Air Force
U.S. Army
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 Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. Postal Service
U.S. Supreme Court

US Manufacturers Seek Results From India Trade Summit

The National Association of Manufacturers said Friday it is hoping for concrete results in opening up trade from next week's U.S.-India economic summit.

Commerce Floats New Dumping Probe Pricing System

The Department of Commerce on Thursday proposed a change in its anti-dumping investigation rules that would give preference to constructed value over third-country prices as the basis for comparison to determine if imports are being sold in the U.S. at a fair price.

FTC Signs Off On Amendments To Hart-Scott-Rodino Rules

The Federal Trade Commission announced on Friday that it has approved final amendments to the Hart-Scott-Rodino premerger notification rules, which the agency said will streamline the process of submitting HSR filings.

TAX

Rep. Aims To Nix Physical-Tie Test For Interstate Sales Tax

The sales tax on online purchases could increase soon with a proposal from Rep. Bob Goodlatte, R-Va., on Thursday that would allow states to disregard a high court ruling permitting sales and use tax collection only from retailers with a physical presence in the state.

RETAIL & E-COMMERCE

Texas Group Wants Out-Of-State Booze Sellers Dried Up

A Texas trade group representing alcohol retailers has asked the U.S. Supreme Court to resurrect a long-dormant state law requiring a year of state residency before landing an alcohol sales permit, saying a recent Fifth Circuit decision is at odds with rulings from other circuits.

TELECOMMUNICATIONS

Amazon Says FCC Can 'Blend' Set-Top Plan With Alternative

Amazon.com Inc. urged the Federal Communications Commission on Thursday to consider a plan that adopts the agency's proposed rule to bring competition to TV set-top boxes but allows for an industry-backed, apps-based alternative as a "fallback."

EXPERT ANALYSIS

End-Of-Summer Recap For Government Contractors

It's been a busy summer for government contractors, with a torrent of regulatory changes and even a U.S. Supreme Court decision interpreting small business regulations. There are six key developments that every government contractor should know about before charging into the fiscal year-end frenzy, says Daniel Koch of Miles & Stockbridge PC.

Considerations When Invoking The Defend Trade Secrets Act

Prior to its enactment in May, many questioned the need for the Defend Trade Secrets Act of 2016. However, the DTSA is now law, and it is time to consider how the statute as enacted affects a trade secret owner's litigation decisions, say Nicholas Boyle, Christopher Manning and Richard Olderman at Williams & Connolly LLP.

New Truck Emission Rules Offer Advantages And Obstacles

A recent rule issued by the U.S. Environmental Protection Agency and the National Highway Traffic Safety Administration promises to significantly lower greenhouse gas emissions from medium- and heavy-duty vehicles and aims to achieve the possibility of significant cost savings for fleet owners and operators. However, the new rule will also pose some challenges for the trucking industry, says Christopher Jensen at Hanson Bridgett LLP.

Litigation Privilege And Good Faith Under California Law

Understanding the intersection between litigation privilege and the obligation of good faith and fair dealing can be tricky. In California, there is substantial case and statutory law immunizing bad faith communications, but a small sliver of bad faith conduct may still be actionable, according to Joan Cotkin and Steven Knott of Nossaman LLP.

Clarity On The Term 'Reside' Is Good News For NY Landlords

Time will tell whether the New York State Legislature will entertain Judge Eugene Fahey's suggestion in his dissent in *Yaniveth R. v. LTD Realty Co.* For now, the New York Court of Appeals ruling reinforces a well-established understanding of the term "resides" in Local Law 1, say Brendan Fitzpatrick and Oliver Twaddell of Goldberg Segalla.

LEGAL INDUSTRY

5 Ways Firms Are Stuck In The Past

Like a top ballplayer who's confident in his bat speed but neglects newer methods to improve his swing, a leading law firm can be behind the curve when it comes to the latest technology and business models. Here, experts share five things many firms have yet to catch up on.

Top Trial Attys Relive Their Most Stressful Career Moments

Even some of the most successful trial lawyers have started their careers with a heap of student loan debt and jobs that aren't quite as glamorous as the ones they had envisioned. The long hours in the office and away from home can compound the stress. Here, top trial attorneys talk about the most nerve-racking or disheartening times in their careers.

Lawyers May Not Make The Best Leaders, Research Says

It turns out lawyers are, on average, less suited for leadership roles than other professionals in two key ways, new research indicates.

GC Cheat Sheet: The Hottest Corporate News Of The Week

BigLaw is prospering on the back of rate increases, a U.S. Supreme Court review of class waivers looks inevitable as a circuit split deepens, and the DOL issues its final Fair Pay and Safe Workplaces rule. Those stories top the corporate legal news you may have missed last week.

Legal Leviathans: These Law Profs Are Cited Most By Judges

It turns out New York University's law faculty may reign supreme when it comes to affecting judicial decisions with their academic ramblings, beating out Harvard and Yale, according to a new study comparing judicial and academic citations of law review articles.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and

expert analyses that generated the most buzz on Law360 last week.

Rainmaker Q&A: Sklar Kirsh's Andrew Kirsh

Ninety-five percent of most client pitch meetings are personal discussions, sharing life stories. Rarely do they delve into hypotheticals on how you would handle a particular transaction, says Andrew Kirsh, founding partner at Sklar Kirsh LLP.

Rainmaker Q&A: Hanson Bridgett's Teresa Pahl

Being responsive and going above and beyond what is expected builds trust and loyalty with your partners and with clients and will eventually lead to more work, says Teresa Pahl of Hanson Bridgett LLP.

JOBS

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