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Subject: Congress Likely Looking At Short Lame-Duck Session

PUBLIC POLICY

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TOP NEWS

Analysis

Congress Likely Looking At Short Lame-Duck Session

The GOP-controlled Congress has little reason to pursue a lengthy lame-duck session, experts say, as legislators will likely do little beyond keeping the lights on and the government funded before a Trump administration moves into town.

House GOP To Keep Same Leaders At Helm

House Republicans united behind much of their existing leadership Tuesday, setting up Speaker Paul Ryan for another term as the chamber's head and to embrace conservative legislative priorities ranging from an Affordable Care Act repeal to tax code overhauls and entitlement reform.

GOP Tells Departing SEC Chair No New Rules Before Trump

Republican lawmakers urged U.S. Securities and Exchange Commission Chair Mary Jo White at a congressional hearing Tuesday not to push through controversial rulemaking before she leaves the agency in January when Donald Trump is inaugurated as president, asking her to "respect" the results of the election.

Analysis

4 Transportation Priorities To Watch For Under Trump

Repairing and modernizing U.S. transportation and infrastructure will be a key focus of the incoming Republican White House under President-elect Donald Trump and the Republican-controlled Congress. Here are four legislative and policy priorities to watch.

IRS May Shrink To 3 Smaller Units Under House GOP Tax Plan

The existing structure of the Internal Revenue Service could be on shaky ground with Republicans controlling Congress and a proposal to shrink the agency to three smaller units focused on individual taxation, corporate taxes and dispute resolution based on the style of a small claims court.

House Votes To Extend Iran Sanctions Authority

The U.S. House of Representatives voted to pass an extension of the president's authority to sanction Iran on Tuesday, adding 10 years to a bill set to expire in December even as the Obama administration lifted the separate so-called secondary sanctions as a result of the nuclear weapons deal with Tehran.

LAW FIRMS

Akin Gump
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Davis Graham
Debevoise & Plimpton
Dentons
Dinsmore & Shohl
Earthjustice
Faegre Baker
Fenwick & West
Fredericks Peebles
Gibbons PC
Gibson Dunn
Holland & Knight
Hunton & Williams
Jones Day
K&L Gates
Kilpatrick Townsend
McCarter & English
McElroy Deutsch
McGlinchey Stafford
Millberg Gordon
Norton Rose Fulbright
Nossaman LLP
Ogletree Deakins

Dakota Access Asks Judge To Force Corps' Hand On Pipeline

An Energy Transfer Partners unit asked a D.C. federal judge Tuesday for a ruling that the company can complete work on a controversial section of the \$3.8 billion Dakota Access pipeline, a day after the U.S. Army Corps of Engineers said it needed to hold more talks with the Standing Rock Sioux Tribe before construction could go forward.

BANKING & SECURITIES

NY To Keep Up Pressure On Banks In Age Of Trump

New York state's top financial regulator on Tuesday said that her agency will continue to actively oversee the banks, insurance companies and other firms it regulates even if their federal counterparts are ordered to pull back from their aggressive postures by the Trump administration.

ENERGY & ENVIRONMENTAL

NRDC Vows Stiff Opposition To Anti-Enviro Trump Policies

Leaders at the Natural Resources Defense Council, one of the nation's largest and most active environmental advocacy groups, on Tuesday said that the group will fiercely battle any attempt by President-elect Donald Trump to roll back climate change, pollution and other protections.

PennEast Pipeline Plan Still Falls Short, NJ Rate Agency Says

Continuing its resistance to PennEast's proposed 118-mile gas pipeline traversing New Jersey and Pennsylvania, the Garden State's ratepayer advocate told Federal Energy Regulation Commission on Tuesday that the project's backer still hasn't justified the need for the system or its expected returns.

Murray Energy Slams EPA Plan For Job Loss Analysis

Murray Energy Corp. told a West Virginia federal judge Monday that the U.S. Environmental Protection Agency's plan to comply with a court order to study the effects of its environmental regulations on jobs is a sign that the agency has "no intention" to actually comply with the order.

Power Industry Slams Enviros' Cooling Water Intake Suit

Power industry groups on Monday urged the Second Circuit to reject environmentalists' challenge to U.S. Environmental Protection Agency's regulations requiring electricity-generating plants and manufacturing facilities to minimize damage to aquatic life caused by pulling in water from lakes and rivers.

Enviro Group Has Standing To Sue Over Fur Export Rules

A Montana judge allowed a suit by an environmental group against the U.S. Fish and Wildlife Service's fur export permit rules to go forward Monday, finding the federal government's own rules say it can't push all responsibility for fur trapping on the states.

HEALTH & LIFE SCIENCES

VA Puts Transgender Surgery Coverage On Hold

The U.S. Department of Veterans Affairs cited budgetary constraints in temporarily dropping its plans to cover gender-reassignment surgery for transgender veterans, noting Monday that the agency still wants to eventually

Peckar & Abramson

Skadden

Squire Patton Boggs

Steptoe & Johnson LLP

Stoel Rives

Western Environmental Law
Center

WilmerHale

COMPANIES

Activision Blizzard, Inc

Airbnb Inc.

Allergan PLC

America Fujikura Ltd.

American Civil Liberties Union

American Federation of Labor &
Congress of Industrial
Organizations

Consumer Reports

Delaware Riverkeeper Network

Electronic Frontier Foundation

Electronic Privacy Information
Center

Energy Transfer Partners, L.P.

Facebook

Ford Motor Company

International Brotherhood of
Teamsters

International Business Machine
Corporation

International Franchise
Association

KPMG International

King Digital Entertainment PLC

Level 3 Communications Inc.

Murray Energy Corp.

National Association of
Broadcasters

National Association of
Manufacturers

National Collegiate Athletic
Association

National Conference of State
Legislatures

Natural Resources Defense
Council

Netflix Inc.

New York Times Co.

Oracle Corp.

provide that coverage.

MEDIA & ENTERTAINMENT

Conservative Groups Back Review Of NJ Sports Betting

Three conservative-leaning research groups argued the need for clarity over the scope of what the federal government can force on states, urging the U.S. Supreme Court to review a Third Circuit decision that shot down New Jersey's attempt to selectively repeal its anti-sports betting laws to allow such wagering at the state's casinos and horse race tracks.

TRANSPORTATION & INFRASTRUCTURE

Christie To Appeal Summons In Citizen's GWB Complaint

New Jersey Gov. Chris Christie will appeal the summons a state court judge imposed in a citizen's complaint alleging he allowed three of his appointees to orchestrate politically motivated lane closures on the George Washington Bridge, according to a court order issued Monday.

NHTSA Chief Defends Driverless Vehicle Data Collection

The head of the National Highway Traffic Safety Administration on Tuesday defended the agency's plan to collect safety data as part of its proposed automated vehicle technology policy despite resistance from automakers and developers, saying the companies' confidential business information would be protected.

INSURANCE

3rd Circ. Asked To Stay ACA Mandate Battle

A secular anti-abortion group asked the Third Circuit on Monday to temporarily halt its fight to overturn a court order and become exempt from providing health insurance covering contraception, saying there is related litigation pending.

REAL ESTATE

Chicago Homeowners Say Airbnb Rule Is Unconstitutional

Four Chicago homeowners on Tuesday filed a suit in state court challenging the city's "draconian and unintelligible" shared-housing ordinance, arguing it requires homeowners renting rooms through services like Airbnb Inc. to submit to warrantless searches, imposes an unfair tax and is full of otherwise harmful restrictions.

EMPLOYMENT

NLRB Joint Employer Test 'Unworkable,' DC Circ. Hears

Browning-Ferris Industries took its final shots against the National Labor Relations Board in a closely watched D.C. Circuit appeal over the legality of the board's recently revised joint-employer standard, with the waste management company saying the new test "creates an amorphous, unworkable fog" for employers.

Wash. High Court Wary Of Florist's Same-Sex Objections

In a case pitting religious freedom against the new right to gay marriage, the Washington Supreme Court on Tuesday appeared reluctant to shield a

Pacific Legal Foundation

Pfizer Inc.

Raytheon Company

Republic Services, Inc.

Ross Stores Inc.

Sierra Club

South Carolina Bar

Tencent Holdings

The Boeing Company

The Cato Corporation

Turner Broadcasting System Inc.

U.S. Chamber of Commerce

Washington Post Co.

Wells Fargo & Co.

Williams-Sonoma Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and
Immigration Services

Bureau of Land Management

Cheyenne River Sioux Tribe

Commodity Futures Trading
Commission

Competition and Markets Authc
Consumer Financial Protection
Bureau

Equal Employment Opportunity
Commission

European Commission

Executive Office for Immigratio
Review

Federal Acquisition Regulatory
Council

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications
Commission

Federal Deposit Insurance Corp

Federal Energy Regulatory
Commission

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

Government Accountability Offi

Immigration and Customs
Enforcement

Internal Revenue Service

Christian florist from discrimination liability for refusing to serve same-sex weddings.

COMPETITION

Brexit May Let UK Watchdog Blaze Its Own Antitrust Path

The U.K.'s decision to leave the European Union could open the door for Britain's competition watchdog to develop its own line of policy as the digital economy poses a host of new antitrust challenges, the agency's top enforcement official said Tuesday.

PRIVACY & CONSUMER PROTECTION

Privacy Group Wants FBI To Disclose Biometric Data-Sharing

The Electronic Privacy Information Center is pushing a D.C. federal court to force the FBI to fork over long-withheld documents that are believed to reveal the extent to which the agency shares with the U.S. Department of Defense information from a massive biometrics database.

IoT Regs Needed To Thwart Cyber Threats, Congress Told

Vulnerabilities exposed by an October cyberattack that crashed a host of popular websites must be addressed through regulation of security for internet-of-things devices, cybersecurity experts told the House Committee on Energy and Commerce Tuesday.

Feds Slam NC's Bid For Transgender Witnesses' Medical Info

The U.S. Department of Justice urged a North Carolina federal court Monday to not allow the state to obtain transgender witnesses' medical and health records, information that potentially endangers the individuals' privacy rights, because they are not relevant to the legality of the state's now infamous bathroom law.

GOVERNMENT CONTRACTS

GAO Recommends More Transparency For Fed's Stress Tests

The Federal Reserve on Tuesday promised to make its stress-test programs more transparent, a statement that coincided with the release of a U.S. Government Accountability Office report that found that a lack of transparency, among other limitations, could hinder the supervisory tests' effectiveness.

No Funds For Anti-Whistleblowing Contractors, DOD Says

The U.S. Department of Defense issued a prohibition Monday barring federal dollars from going to contractors that use confidentiality agreements to bar their employees from reporting waste, fraud and abuse.

INTERNATIONAL TRADE

Peru Stepping Up Efforts Against Illegal Logging

The government of Peru has revealed a number of steps to curb illegal lumber harvesting and export, the Office of the United States Trade Representative announced Tuesday.

TAX

NAFTA

National Archives and Records Administration
National Highway Traffic Safety Administration
National Institute of Standards & Technology
National Labor Relations Board
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Transportation Safety Board
New Jersey Department of Environmental Protection
New York State Department of Financial Services
Occupational Safety and Health Administration
Office of the Comptroller of the Currency
Office of the U.S. Trade Representative
Port Authority of New York & New Jersey
Securities and Exchange Commission
Standing Rock Sioux Tribe
U.S. Army
U.S. Department of Defense
U.S. Department of Education
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 Veterans Affairs
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Senate
U.S. Supreme Court
United Nations
Washington Attorney General's Office

IRS' Debt-Equity Rule In Jeopardy Under New Administration

Recently finalized regulations that characterize debt as equity for tax purposes could potentially be revoked under President-elect Donald Trump's administration and a Republican-controlled Congress, according to House Ways and Means Committee Chairman Kevin Brady, R-Texas.

IRS Aims To Block NAM Brief In Anti-Inversion Rule Fight

The Internal Revenue Service slammed the National Association of Manufacturers for trying to weigh in on a suit over a recent corporate inversion rule, arguing Tuesday in Texas federal court that the claims not only come too late but are also nearly identical to those already made.

NJ High Court To Hear Fight Over Jersey City Tax Abatement

The New Jersey Supreme Court has agreed to determine whether or not a developer can apply a 2003 change in state law that let builders keep more profits under municipal tax abatement deals to agreements it struck with Jersey City in 2000 and 2001.

IRS Chief's Impeachment Must Proceed, Ohio Rep. Says

Rep. Jim Jordan, R-Ohio, called for continued efforts to impeach IRS Commissioner John Koskinen after the agency denied a conservative advocacy group nonprofit status, saying Monday that the IRS "has not changed its ways" since being accused of political bias.

IMMIGRATION

Court Location, Judges Impact Asylum Grants, GAO Finds

The success rate of immigrants seeking asylum varies widely depending on where their request originates and what court has jurisdiction over it, the Government Accountability Office said in a report released Monday.

Ban On 'Sanctuary Cities' A Priority For Texas Senate

A Texas state senator on Tuesday launched a legislative campaign to stop so-called sanctuary cities in the state, a measure designated to be high-priority by the lieutenant governor, in a bill that would require cities to comply with U.S. Immigration and Customs Enforcement detainers.

NATIVE AMERICAN

BLM's Final Methane Flaring Rule Greeted With Industry Suit

The U.S. Bureau of Land Management on Tuesday unveiled its final rules for venting and flaring of methane gas on federal and Native American lands, facing an immediate legal challenge in Wyoming district court alleging the rule is outside the agency's authority.

TELECOMMUNICATIONS

Congressional Repubs Call On FCC To Halt Major Actions

Hill Republicans on Tuesday asked Federal Communications Commission Chairman Tom Wheeler to stop all action on complex or controversial issues during the transition to a new president, saying that Democrats requested the same after the election of President Barack Obama in 2008.

FCC Allows Gov't To Make Debt Calls Under TCPA Exception

The Federal Communications Commission has passed a final rule exempting

debt collection calls by the federal government from restrictions against autodialed, prerecorded calls under the Telephone Consumer Protection Act, according to a notice scheduled for publication in the Federal Register on Wednesday.

Broadcasters Challenge FCC Ownership Rules In DC Circ.

The National Association of Broadcasters brought a challenge to the Federal Communications Commission's media ownership restrictions in the D.C. Circuit Monday, claiming the agency acted arbitrarily and capriciously in tightening the restrictions in its most recent quadrennial reviews.

EXPERT ANALYSIS

What To Expect From Trump's Environmental Policies

The results of last week's election, which will bring in a new presidential administration and new Congress, will greatly impact environmental policy. We anticipate significant changes, challenges and opportunities, says Andrew Wheeler, co-leader of the energy and natural resources industry team at FaegreBD Consulting.

Weeding Through Calif. Prop 64: Employer Takeaways

California voters recently passed Proposition 64 legalizing recreational marijuana for individuals over the age of 21. These changes raise several immediate questions about what, if anything, employers need to do and whether the initiative created any new employee rights, say attorneys at Arent Fox LLP.

What's Next For US-Mexico Bilateral Trade Under Trump?

Withdrawal from NAFTA might not be the only alternative to keep U.S. companies from moving production offshore — assuming that is one of the main goals in considering such a withdrawal, says Carlos Vejar, a partner with Holland & Knight LLP and former general counsel for international trade in Mexico's Ministry of Economy.

DOD Rule Would Create Export Control Issues For Contractors

If implemented, the U.S. Department of Defense's proposed rule on withholding unclassified technical data could impact or potentially inhibit the submission of contractor export violation disclosures to the U.S. Departments of State and Commerce, say Andy Irwin and Michael Mutek of Steptoe & Johnson LLP.

Inside NHTSA's Proposed Cybersecurity Best Practices

The cybersecurity best practices for automakers recently proposed by the National Highway Traffic Safety Administration are nonbinding. The guidance does, however, suggest that NHTSA may eventually utilize its safety mandate "to cover vehicle cybersecurity" and may foreshadow regulatory or legislative action to come, say attorneys at Crowell & Moring LLP.

LEGAL INDUSTRY

Fortunes Rise For Associates, Fall For BigLaw, Report Says

Associate pay raises ushered in by many BigLaw firms earlier this year have begun to impact those firms' financial figures, according to a report out Tuesday by Citi Private Bank.

\$50K Reward Offered For Info On Kilpatrick Partner's Killer

An anonymous donor is offering a \$50,000 reward for any information that leads to an arrest and conviction in the recent shooting death of Kilpatrick Townsend & Stockton LLP managing partner and intellectual property attorney Jim Gilliland, the El Cerrito Police Department announced Monday.

Dentons Enters Central America With New Firm Combo

Dentons is proposing a combination with a 75-attorney firm with offices in three Central American countries, a move that would make it the first global law firm in the region if the deal is approved by partners on both sides, the firm announced Tuesday.

Ogletree Deakins Mourns Death Of Founder Jimmie Stewart

Ogletree Deakins Nash Smoak & Stewart PC is mourning the loss of founding shareholder J. Hamilton "Jimmie" Stewart III, a labor law expert and mentor to many who died last week at age 73.

Rainmaker Q&A: WilmerHale's Michael Summersgill

Patent litigation is like a competitive sport. You've got to field a great team, develop the right strategy, be prepared to adjust, and then execute. You win and then you move on to the next case and it really doesn't matter in the next case that you won the last one, says Michael Summersgill, a litigation partner at WilmerHale.

Rainmaker Q&A: Fenwick & West's Mark Stevens

No one benefits in the long run if the client doesn't get what it needs. Years ago, I found myself cringing when I heard another lawyer giving advice that made legal sense, but clearly wasn't useful to the client. I told myself I'd never do that, says Mark Stevens, a corporate partner at Fenwick & West LLP.

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