

From: Public Policy Law360 <news-q@law360.com>
To: Adams, ChaneyChaneyAdams@gov.sc.gov
Date: 9/13/2016 4:32:26 AM
Subject: Even After Iran Deal, Foreign Cos. Still Fear US Sanctions

PUBLIC POLICY

Tuesday, September 13, 2016

TOP NEWS

[Even After Iran Deal, Foreign Cos. Still Fear US Sanctions](#)

Non-U.S. companies were supposed to be the biggest winners of the historic Iran nuclear accord, which erased the stringent sanctions on foreign entities' dealings with the embattled nation, but those companies still face numerous compliance headaches that threaten to pull them back under the U.S. sanctions umbrella.

[Feds Eye Settling Insurers' ACA Suits To Stabilize Markets](#)

The Obama administration is opening the door to settling numerous lawsuits with health insurers seeking billions of dollars in unpaid Affordable Care Act obligations, which would give the administration a path around Republicans' block on the market-stabilization spending.

[DOE, DOI Release Plan To Grow Offshore Wind Power In US](#)

The U.S. departments of Energy and Interior on Friday unveiled a collaborative plan to coax further development of offshore wind power, claiming steps taken to lower project development and electricity costs could result in as much as 86 gigawatts of U.S. offshore wind power by the year 2050.

[GOP Rep. Goodlatte Pushes For EB-5 Reform Bill](#)

House Judiciary Committee Chairman Bob Goodlatte, R-Va., on Monday introduced a bill to reform and reauthorize the soon-to-expire EB-5 Regional Center Program that would extend the program for five years and raise the minimum amount required from investors from \$500,000 to \$800,000, among other changes.

[Justice Ginsburg Seeks SEC Response To Tilton's Stay Bid](#)

U.S. Supreme Court Justice Ruth Bader Ginsburg has asked the government to respond to private equity magnate Lynn Tilton's application for a stay of a U.S. Securities and Exchange Commission proceeding against her and her firm, while she continues a quest to challenge the agency's in-house court.

[Is It OK To Cuff An Inmate In Labor? 9th Circ. Says Maybe](#)

The Ninth Circuit said Monday that only jurors can decide on a case-by-case basis whether the U.S. Constitution allows law enforcement officers to restrain a female inmate while she is pregnant, in labor or during postpartum recovery.

[SEC Urged To Protect Investors From Corporate Tax Dodging](#)

LAW FIRMS

Akin Gump
Baker & McKenzie
Baker Botts
Ballard Spahr
Bancroft PLLC
Bienstock & Michael
Bredhoff & Kaiser
Brune Law PC
Bryan Cave
Bull Houser
Butler Rubin
Cleary Gottlieb
Crowell & Moring
Curtin & Heefner
Day Pitney
Earthjustice
Fitzpatrick Cella
Fletcher Heald
Fredericks Peebles
Freeborn & Peters
Fried Frank
Gibson Dunn
Gray & Associates
Greenberg Traurig
Hogan Lovells
Holland & Hart
Holland & Knight
Jones Skelton
Karnopp Petersen LLP
King & Spalding
Kirkland & Ellis
Latham & Watkins
Littler Mendelson
Locke Lord

An advocacy group composed of businesses and investors is urging the U.S. Securities and Exchange Commission to implement stricter disclosure standards, saying in a Monday report that investors are facing increasing risks posed by secretive offshore tax avoidance practices.

ANALYSIS

The AIA At 5: A New World Of Patent Challenges

Five years ago this week, the America Invents Act became law, overhauling procedures for applying for patents, challenging their validity and litigating them in court. In a three-part series over the coming days, attorneys reflect on how the law has changed the patent landscape, beginning with AIA reviews, which have become more crucial than just about anyone expected.

3 Legal Attacks The Cross-State Air Pollution Rule May Face

The U.S. Environmental Protection Agency has bragged that its revised cross-state air pollution rule will help cut summertime nitrogen oxide emissions from power plants by 20 percent over last year's levels, but the rule — which has already been up to the U.S. Supreme Court once — is likely not out of the legal woods yet, experts say. Here, Law360 identifies three parts of the rule that could spark legal challenges from environmental groups, states and industry parties.

FCC Faces Uncertain Success In Second Round Of Auction

The second stage of the Federal Communications Commission's experimental incentive auction kicks off Tuesday after the agency was forced to lower its goal of how much spectrum it aims to clear, and experts say closing the gap between supply and demand could drag on for months.

BANKING & SECURITIES

Chamber Calls For Financial Stability Board Restructuring

The U.S. Chamber of Commerce on Monday called on global governments to radically restructure the Financial Stability Board, an international panel of financial regulators, in the latest salvo fired against the internationalization of financial rule-making.

SE Asian Capital Market Regulators Push Bond Market Growth

Capital markets regulators with the Association of Southeast Asian Nations said Friday they have agreed to intensify efforts to promote regional asset classes, beginning with a regulatory program focused on developing domestic bond markets.

SEC Wants Firms To Watch Reps With Troubled Pasts

The U.S. Securities and Exchange Commission announced Monday that it is launching exams to test the compliance oversight and controls of investment advisers that hire individuals with a disciplinary history.

FINRA's Capital Acquisition Broker Rules Face Tough Sell

Under newly approved Financial Industry Regulatory Authority rules, brokerages that engage in limited activity, such as advising certain private placements or private mergers and acquisitions, can benefit from lighter regulation, but attorneys doubt the relief goes far enough to make a splash.

ENERGY & ENVIRONMENTAL

Marashlian & Donahue

Marshall Gerstein

Mayer Brown

McCarter & English

Morgan Lewis

Norton Rose Fulbright

Nossaman LLP

Paul Hastings

Paul Weiss

Quarles & Brady

Quinn Emanuel

Ropes & Gray

Scarinci Hollenbeck

Schulte Roth

Schwartz Simon

Sheppard Mullin

Sidley Austin

Simpson Thacher

Skadden

Squire Patton Boggs

Sterne Kessler

Sutherland Asbill

Venable LLP

Winston & Strawn

COMPANIES

21st Century Fox Inc.

A&E Television Networks LLC

AAR Corporation

ActionAid

Allergan PLC

Altera Corporation

America Fujikura Ltd.

American Federation of Labor &

Congress of Industrial

Organizations

Apple Inc.

Assisted Living Concepts, Inc.

Association of American Railroa

BlueCross BlueShield of North

Carolina

CBS Corporation

CIGNA Corporation

CTIA

Center for Biological Diversity I

Delaware Riverkeeper Network

Enbridge

Senate's \$9.4B Water Resources Bill Clears Hurdle

The Senate pushed a bill Monday to authorize more than \$9.4 billion in water infrastructure projects, including harbor dredging and aid for lead-contaminated water in Flint, Michigan, after the measure cleared a procedural hurdle.

Enviros Can Intervene In Del. River Fracking Suit

The Delaware Riverkeeper Network can intervene in a lawsuit brought by a landowner challenging the Delaware River Basin Commission's fracking moratorium and refusal to approve an exploratory natural gas well, a Pennsylvania federal judge said Monday.

Feds Reach Deal To Protect Sea Turtles From Shrimpers

A D.C. federal judge on Friday stayed a lawsuit filed by a conservation group accusing the U.S. Department of Commerce of not doing enough to protect endangered sea turtles from shrimp fishing operations off the southeastern U.S. coast, after the government agreed to propose a rule to help fix the problem.

MEDIA & ENTERTAINMENT

House Passes Online Ticket Sales, Review Protection Bills

The U.S. House of Representatives on Monday set new targets for the Federal Trade Commission, passing bills that put in the agency's crosshairs entities that use "bots" to buy online tickets for resale en masse and those that use consumer agreements to stifle online reviews.

Congress Planning On Patent, Copyright Changes, Rep. Says

While legislation targeting abusive patent litigation has stalled in the current Congress, lawmakers plan to revive the effort after the November election while also pushing forward on legislation to amend copyright law, Rep. Hakeem Jeffries, D-N.Y., said Monday.

TRANSPORTATION & INFRASTRUCTURE

DC Circ. Declines To Reconsider Amtrak Due Process Ruling

The D.C. Circuit on Friday refused to reconsider its recent ruling that a federal law allowing Amtrak to set performance and scheduling standards along the nation's passenger railways violated the due process rights of freight railroads using the same tracks.

Enviros, EPA Move To Dismiss Suit Over Aircraft Emissions

Environmental groups and the U.S. Environmental Protection Agency asked a federal judge on Friday to toss a lawsuit the groups brought to force the agency to promulgate long-awaited carbon emissions standards for aircraft, less than two months after the EPA's final finding that greenhouse gas emissions from aircraft are harmful to humans.

GWB Scandal Figure Fights Claim He Wanted To Impress Gov.

A former public official preparing to go on trial over the George Washington Bridge lane closures urged a New Jersey federal court Sunday to exclude evidence that he sought to curry favor with Gov. Chris Christie by punishing a local mayor, claiming that prosecutors presented the theory only last month.

EMPLOYMENT

Facebook

Financial Industry Regulatory Authority Inc.

Google Inc.

Highmark Inc.

Hobby Lobby Stores

Humana Inc.

ICx Technologies, Inc.

IP Owners Association

Immigration Reform Law Institu

International Business Machine Corporation

KPMG International

Kirkland's, Inc.

MSCI, Inc.

NFL Enterprises LLC

National Association of Broadcasters

National Railroad Passenger Corporation

New England Patriots

Oceana Inc.

Pfizer Inc.

Planned Parenthood Federatio

PricewaterhouseCoopers

Public Company Accounting Oversight Board

Royal Dutch Shell PLC

SLM Corporation

Sierra Club

Talen Energy Corp.

The Boeing Company

The Walt Disney Company

Time Warner Inc.

Twitter Inc.

U.S. Chamber of Commerce

Univision Communications Inc.

Viacom Inc.

Zeughauser Group LLC

GOVERNMENT AGENCIES

Agency for Healthcare Research and Quality

Army Corps of Engineers

Bureau of Labor Statistics

Centers for Medicare & Medical Services

Cheyenne River Sioux Tribe

Builders Ask 1st Circ. To Limit Mass. Sick Pay Law

Massachusetts building trade groups asked a First Circuit panel Monday to limit the commonwealth's new paid sick time law, arguing that federal law preempts state-based wage claims for union workers under collective bargaining agreements.

Feds Seek To Clarify Scope Of Transgender Bathroom Ruling

The federal government asked a Texas federal judge on Monday to clarify the scope of a ruling that blocked the Obama administration from enforcing new transgender bathroom rules, including whether the ban should apply nationwide.

3rd Circ. Revives Preemption Fight Over Jersey City Tax Law

The Third Circuit revived a federal preemption challenge Monday brought against Jersey City, New Jersey, over an ordinance requiring developers seeking tax breaks to observe certain labor practices, finding that because the city lacks a proprietary interest in tax-abated projects, it enforces its rules as a regulator, not a market participant.

COMPETITION

Gov't Witness In Fattah Case Gets 4 Years' Probation

A onetime adviser to former U.S. Rep. Chaka Fattah, D-Pa., who testified as a government witness in the corruption case against the ex-congressman and others, was sentenced to four years of probation on Friday for helping arrange an illegal contribution for Fattah's 2007 Philadelphia mayoral campaign, the U.S. Attorney's office confirmed on Monday.

GOVERNMENT CONTRACTS

GSA Expands Cybersecurity Options For Gov't Agencies

The General Services Administration on Monday formally rolled out its expansion to its information technology schedule to give federal agencies more options to purchase cybersecurity services, part of a broader federal cybersecurity action plan.

Senate Could Vote On Stopgap Funding This Week

The Senate could vote on a measure this week to keep the government funded into December, after Majority Leader Mitch McConnell, R-Ky., filed a motion for short-term funding that would keep general funding flat along with measures for veteran care and to combat the spread of the Zika virus.

INTERNATIONAL TRADE

India Moves To Sink US Green Energy Initiatives At WTO

India's tussle with the U.S. over clean energy policy at the World Trade Organization has grown more acrimonious as New Delhi filed a dispute over subsidies and local content requirements in eight U.S. states, alleging that the programs have flouted international rules, the WTO said Monday.

TAX

Altera Says Tax Court Rightly Nixed IRS Cost-Sharing Rule

Chipmaker Altera Corp. hit back against the Internal Revenue Service's bid to

Commodity Futures Trading Commission

Council on Environmental Quality
Delaware River Basin Commission

Department of Commerce

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Emergency Management Agency

Federal Railroad Administration

Federal Trade Commission

Fish and Wildlife Service

Government Accountability Office

Internal Revenue Service

Library of Congress

National Aeronautics and Space Administration

National Institutes of Health

National Marine Fisheries Service

National Oceanic and Atmospheric Administration

New Jersey Legislature

Office of Foreign Assets Control

Pechanga Band of Luiseno Indians

Port Authority of New York & New Jersey

Securities and Exchange Commission

Skokomish Indian Tribe

Smithsonian Institution

Standing Rock Sioux Tribe

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Copyright Office

U.S. Department of Agriculture

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

resurrect its court-invalidated rule regarding stock-based compensation in cost-sharing agreements, telling the Ninth Circuit late Friday that the U.S. Tax Court was right to conclude the agency had defied reasonable decision-making.

[NJ Lawmakers Advance Bill To Fight Corporate Inversions](#)

A New Jersey Senate committee on Monday advanced legislation to prohibit awarding state contracts and development subsidies to companies that seek to reduce their taxes through so-called inversion transactions.

[DC Group Issues Paper Calling For Stronger Corporate Tax](#)

A Washington, D.C.-based research group, whose executive director has been tapped as the chief economist for Hillary Clinton's transition team, released a paper Monday promoting different methods of corporate tax reform focused on the revenue needs of the federal government.

IMMIGRATION

[Union Fires Back In Latest Optional Practical Training Case](#)

A technology union urged the D.C. federal court Friday to deny a Department of Homeland Security bid to toss its case challenging a revised foreign student work rule, saying it has sufficiently pled that its members work in fields targeted for additional foreign labor and are harmed as a result.

[Shepherds' Case Survives In H-2A Wage Fight](#)

A Washington, D.C., federal judge on Friday refused to toss a suit from a putative class of shepherds alleging that the H-2A visa program's wage rule depresses pay, saying the shepherds have stated plausible claims against the federal government.

NATIVE AMERICAN

[Native American Tourism Bill Heads To President's Desk](#)

Congress sent a measure requiring federal agencies to better plan for Native American tourism opportunities to the president's desk Monday after the bill passed the House on a voice vote.

[Calif. Rep. Floats Pechanga Band Water Rights Pact Bill](#)

A California lawmaker on Friday introduced a bill that would ratify a settlement between the Pechanga Band of Luiseno Indians, the state, the federal government and certain local water districts, setting out the tribe's long-disputed water rights in the Santa Margarita River Watershed.

[Wash. Tribe Presses To Toss Rival's Hunting Grounds Suit](#)

Members of the Suquamish Tribal Council and the tribe's fisheries director pressed a Washington federal court on Friday to nix the Skokomish Indian Tribe's suit accusing them of encroaching on its hunting grounds, arguing that the dispute fails on three premises.

[Tribes May Have More Say In Projects After Dakota Pipeline](#)

The Obama administration's recent construction freeze on part of the controversial Dakota Access pipeline and promise to rethink how Native American tribes are consulted may lead to tribes getting not only more opportunity to voice concerns but also the power to determine how, or even if, infrastructure projects affecting their rights are allowed to proceed.

TELECOMMUNICATIONS

[U.S. Department of Justice](#)
[U.S. Department of Labor](#)
[U.S. Department of Transportal](#)
[U.S. Department of the Interior](#)
[U.S. Environmental Protection Agency](#)
[U.S. General Services Administration](#)
[U.S. House of Representatives](#)
[U.S. Senate](#)
[U.S. Supreme Court](#)
[Western Area Power Administration](#)

DC Circ. Won't Revive Low-Power TV Auction Challenges

The full D.C. Circuit refused Friday to revive a challenge by a low-power TV station and low-power TV investors to the Federal Communications Commission's upcoming spectrum auction, which could take some of the small local stations off the air.

CBS Wants No FCC Licensing Involvement In Set-Top Plan

Disney, CBS and other programmers have said that they remain "strongly opposed" to any Federal Communications Commission plan to unlock competition in the set-top box market that includes agency involvement in the licensing process, the same day FCC Chairman Tom Wheeler unveiled his revised plan.

EXPERT ANALYSIS

The Right Side Of History: Obama's Administration And DAPL

After the District of Columbia denied the Standing Rock Sioux Tribe's request for an injunction against the controversial Dakota Access Pipeline, the Obama administration sided with the tribe. However, this lawsuit may just be the opening salvo in a much larger battle for tribal rights, says Professor Matthew Fletcher of Michigan State University College of Law.

An End-Of-Summer Push On Environmental Mitigation Policy

The final week of August saw several important developments in what is proving to be a very consequential year for federal environmental mitigation policy. Thomas Jensen and Sandra Snodgrass of Holland & Hart LLP highlight key features and implications of each new development.

What To Expect From The Future Of Health Care

Today health care organizations see us as consumers and are committed to a cultural shift that will reposition us as members. This process is an important, strategic effort by many of the largest health systems and there is regulatory and empirical support for it, say attorneys with Bryan Cave LLP.

Extraction Payment Rule May Lead To More FCPA Scrutiny

New U.S. Securities and Exchange Commission rules for resource extraction issuers will create a mandatory disclosure requirement for certain payments that have traditionally fallen under the Foreign Corrupt Practices Act and have not been subject to a mandatory disclosure requirement. An effect is a likely increase in voluntary FCPA disclosures and FCPA investigations, say Lara Covington and Lisa Prager of Holland & Knight LLP.

IRS' Management Contract Safe Harbors: Some Observations

The IRS recently issued guidance that generally provides greater flexibility to a state, local government or nonprofit entity that funds projects with tax-advantaged bonds. However, government and nonprofit entities, when entering into management contracts with third parties, should not necessarily alter their sound business practices in negotiating contract terms as a result of the new safe harbors, say attorneys with Locke Lord LLP.

Rise In Whistleblower Claims Likely With New CFTC Rules

Recently proposed regulations would enable the U.S. Commodity Futures Trading Commission to bring enforcement actions against employers that retaliate against whistleblowers, and would expand the agency's authority

into an unprecedented area insofar as policing energy and other market participants is concerned, say attorneys with Morgan Lewis & Bockius LLP.

LEGAL INDUSTRY

Kirkland Chasing Prestige Of Rivals With Bancroft Power Play

Kirkland & Ellis LLP's hire of Paul Clement and the entire Bancroft PLLC legal team, announced Monday, creates one of the most formidable appellate practices in the U.S., but experts say the move may also be driven by forces outside a desire to dominate at the Supreme Court.

Paul Clement, Bancroft Firm To Join Kirkland & Ellis

Kirkland & Ellis LLP has snapped up the entire 17-attorney team at renowned appellate firm Bancroft PLLC, home to former solicitor general and prolific U.S. Supreme Court litigator Paul D. Clement, Kirkland & Ellis said Monday.

How Paul Clement Ended Up At Kirkland

Widely considered one of the elite advocates of the U.S. Supreme Court, Paul Clement's legal education hasn't been so single-minded. Along with his law degree, Clement studied economics and has held a handful of private and public-sector jobs on his way to Kirkland & Ellis LLP this week.

Cybersecurity Becoming Big Issue For GCs, Report Says

General counsel at firms around the world have seen their responsibilities grow over the years, and a Monday report finds that such is only going to increase as issues ranging from cybersecurity to social media risks come more and more under their purview.

Norton Rose Boosts Canadian Presence With Firm Takeover

Global law firm Norton Rose Fulbright established a new presence on the west coast of Canada, seeking to enter the country's fastest growing economy by combining with British Columbia-based Bull Housser & Tupper LLP, the firm announced in a statement on Monday.

Cleary Gottlieb Taps Longtime Partner As New Leader

Cleary Gottlieb Steen & Hamilton LLP on Monday announced that longtime financial investments partner Michael Gerstenzang will become the firm's new managing partner next year, as veteran antitrust partner Mark Leddy is set to leave the position.

4 Practice Areas Where NJ Firms Are Hiring

Real estate has emerged as one of the busiest practice areas in which New Jersey law firms are hiring as the state continues its climb out of the recession, while intellectual property and corporate compliance have also found themselves in high demand in the wake of regulatory updates and landmark court rulings. Here are the sectors experts view as hotbeds of employment opportunities for attorneys who want to work in New Jersey.

Pro Bono Firm of 2016: Akin Gump

Lobbying for millions of dollars in childhood cancer research, fighting to hold Bolivian officials responsible for human rights violations and working to restore a deaf man's dignity after he was wrongfully jailed for weeks have earned Akin Gump a spot as one of Law360's Pro Bono Firms of 2016.

Rainmaker Q&A: Quarles & Brady's Stephanie Quincy

Not every client will be a fit or a “win.” Instead of focusing on just our wins or (perceived) losses, I always step back and look at the bigger picture. Oftentimes what I learn from a loss is far greater than from even the biggest of wins, says Stephanie Quincy, a partner in Quarles & Brady LLP's labor and employment group.

Rainmaker Q&A: Schulte Roth's David Nissenbaum

It doesn't matter whether or not you play golf. Work hard every day of your career to establish a solid foundation of legal and business knowledge. You can't succeed at rainmaking over the long term unless you really know your stuff, says David Nissenbaum, a partner at Schulte Roth & Zabel LLP.

JOBS

[Search full listings](#) or [advertise your job opening](#)

Not sure if your firm subscribes? Ask your librarian.

We hope you found this message to be useful.
However, if you'd rather not receive future emails of this sort,
you may unsubscribe [here](#).

Please DO NOT reply to this email. For customer support inquiries, please call 1-646-783-7100 or visit our [Contact Us](#) page.

Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011