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Subject: House Passes Bill Ending Chevron Deference

PUBLIC POLICY

Thursday, January 12, 2017

TOP NEWS

House Passes Bill Ending Chevron Deference

The U.S. House of Representatives passed a package of bills Wednesday aimed at regulatory agencies, which included ending the doctrine of judicial deference to agency legal interpretations, over Democratic objections the law would grind rulemaking to a halt.

Trump Says Supreme Court Pick Coming Soon

President-elect Donald Trump said during his press conference Wednesday that he plans to put forward his pick for the long-empty ninth seat on the U.S. Supreme Court within two weeks of taking office.

Sessions Hints Yates Memo, Fraud To Stay On DOJ Radar

U.S. attorney general nominee Jeff Sessions suggested Tuesday that his Department of Justice would follow the Yates Memo's mandate to pursue individuals in corporate cases as well as continue a record-breaking False Claims Act enforcement streak under the new administration.

Analysis

What To Watch For At Mattis' Defense Secretary Hearing

James Mattis, President-elect Donald Trump's pick for secretary of defense, will face Congress on Thursday. Here's a primer on where Mattis has stood on various issues, what he is likely to be asked, and what obstacles may stand in the way of his confirmation.

Analysis

4 Obama Tax Policies At Risk Under The GOP's Tax Plan

The U.S. Treasury Department churned out a number of regulations toward the end of President Barack Obama's term, but some of those policies now face near-certain death under the incoming Trump administration because they are deemed too controversial or will become obsolete under the Republicans' sweeping tax proposals.

Sen. Booker, Rep. John Lewis Blast Sessions AG Nomination

Sen. Cory Booker, along with several African-American congressmen, railed against the nomination of Sen. Jeff Sessions for attorney general Wednesday, claiming he would move the country back toward a "darker period in our nation's history" on several issues, including civil and LGBT rights.

Analysis

LAW FIRMS

Alston & Bird
Andrews Kurth Kenyon
Baker & McKenzie
Balch & Bingham
Bingham McCutchen
Brown Rudnick
Cooper & Kirk
Cooper Levenson
DLA Piper
Debevoise & Plimpton
Deutsch Kerrigan
Dewey & LeBoeuf
Dilworth Paxson
Duane Morris
Faegre Baker
Fish & Richardson
Fisher Phillips
Goodwin
Harris Wiltshire
Hogan Lovells
Holland & Knight
Jackson Lewis
Jones Walker
Katten Muchin
Kenyon & Kenyon
King & Spalding
King & Wood Mallesons
Lawyers' Committee for Civil Rights
Levy Ratner
McDermott Will
Morgan Lewis
Novak Druce
Perkins Coie

Carson's Slim Housing Credentials To Be Confirmation Focus

Dr. Ben Carson will face a barrage of questions Thursday on topics ranging from his views on anti-discrimination enforcement to the basics of running a government agency with a multibillion-dollar budget at his confirmation hearing to lead the U.S. Department of Housing and Urban Development.

Analysis

Right-To-Work Battle Heating Up Early In 2017

With Kentucky becoming the 27th state to join the right-to-work ranks, other states and municipalities likely to join soon and the possibility of a U.S. Supreme Court fight over local-level laws on the horizon, attorneys say right-to-work is one area of labor law to watch closely.

Analysis

Top 3 Groups Lobbying The FCC

Lobbying activity on major controversial issues at the Federal Communications Commission has slowed as the changeover to a new administration continues, but experts say these months of transition are also a formative time for the industry to make its case before staff and commissioners.

BigLaw Attys, GCs Oppose Sessions As Attorney General

Lawyers from Weil Gotshal & Manges LLP and Sutherland Asbill & Brennan LLP, a former federal judge and 100-plus other attorneys and general counsel have told lawmakers that Sen. Jeff Sessions should not be confirmed as U.S. attorney general because his record suggests he would neglect civil rights laws.

BANKING & SECURITIES

House Again Passes Angel Investors Bill To Help Startups

The U.S. House of Representatives again passed a bill Tuesday designed to make it easier for angel investors to fund startups, after a version of the bill that passed last year died in the U.S. Senate.

SEC Cost-Benefit Review Bill Advances In House

The U.S. House of Representatives voted Wednesday to consider a bill requiring the U.S. Securities and Exchange Commission to apply cost-benefit analyses before moving forward with regulations, a measure that was applauded by securities industry lobbyists.

ENERGY & ENVIRONMENTAL

Jewell Confident That Many Obama Energy Regs Can Stick

President-elect Donald J. Trump and congressional Republicans have vowed to roll back regulations crafted late in the Obama administration they see as hampering fossil fuel development, but moves like permanent offshore drilling bans in the Arctic Ocean likely have staying power, U.S. Secretary of the Interior Sally Jewell said Wednesday.

BLM Floats Plan To Reform Federal Coal Program

The U.S. Bureau of Land Management on Wednesday released a plan to modernize the federal coal program, saying the current system doesn't align with current priorities such as mitigating climate change.

Pillsbury Winthrop

Polsinelli

Proskauer Rose

Sanford Heisler

Sedgwick LLP

Seyfarth Shaw

Siebman Burg

Simpson Thacher

Skadden

Squire Patton Boggs

Stroock & Stroock

Sutherland Asbill

Vinson & Elkins

Weil Gotshal

Whitfield & Eddy

Wilkinson Barker

COMPANIES

AT&T Inc.

America Fujikura Ltd.

American Bar Association

American Cable Association

American Federation of Labor &
Congress of Industrial
Organizations

Apple Inc.

Bank of America Corporation

BuzzFeed Inc.

CTIA

Chevron Corporation

CohnReznick LLP

Competitive Carriers Associatio

Continental Resources, Inc.

Court of Arbitration for Sport

Deutsche Bank AG

Devon Energy Corporation

Dow Chemical Co.

Exxon Mobil Corporation

Federalist Society

Ford Motor Company

Gartner Inc.

General Dynamics Corporation

General Mills Inc.

Google Inc.

HSBC Holdings PLC

Home Depot, Inc.

International Association of

Enviro Committee To Grill EPA Pick Pruitt Next Wednesday

President-elect Donald Trump's pick to head the U.S. Environmental Protection Agency will get a confirmation hearing with the Senate Environment Committee next Wednesday, with the questioning likely to focus on climate change, regulation and domestic energy policy.

EPA Agrees To Tackle Request To Add NC To Ozone Region

A federal Judge has signed off on a settlement between the U.S. Environmental Protection Agency and the North Carolina Department of Environmental Quality in which the federal agency will act on Northeast states' petition to add North Carolina to a regional ozone-reduction program.

HEALTH & LIFE SCIENCES

Analysis

7 Key Policies In HHS Inspector General's Exclusion Rule

The Office of Inspector General at the U.S. Department of Health and Human Services on Wednesday finalized an array of new policies for kicking individuals and companies out of Medicare and Medicaid for fraudulent billing. Here are seven key policies in the final rule.

Trump Chooses VA Health Undersecretary To Lead Agency

President-elect Donald Trump announced Wednesday that he has chosen U. S. Department of Veterans Affairs undersecretary and former hospital CEO David Shulkin to lead the agency, saying Shulkin will help "straighten out" the VA.

OSHA To Issue Safety Rules For Health Care Workers

The Occupational Health and Safety Administration will issue rules intended to reduce workplace violence against health care workers, according to a letter sent by the head of the agency to Democratic lawmakers.

MEDIA & ENTERTAINMENT

NJ Casino Regulator Postpones Developer's License Row

The plan to reopen the former Revel Atlantic City casino hit a roadblock Wednesday when the New Jersey Casino Control Commission postponed its decision on developer Glenn Straub's petition for a casino license waiver in order to review the admissibility of related documents.

NY, SC Lawmakers Lob Measures To Legalize Sports Betting

Lawmakers this week in New York and South Carolina have proposed amending their state constitutions to allow sports gambling.

TRANSPORTATION & INFRASTRUCTURE

Senators Press Trump DOT Pick For Infrastructure Pledges

Elaine Chao, President-elect Donald Trump's pick for secretary of transportation, received bipartisan support during a three-hour nomination hearing Wednesday, but also faced pressure from lawmakers vying to make the varied concerns of their home states a priority in the incoming Trump administration.

Christie, Prosecutors Slam GW Bridge Probable Cause Ruling

Counsel for New Jersey Gov. Chris Christie and prosecutors Wednesday

Defense Counsel

International Association of
Machinists and Aerospace
Workers

International Business Machine
Corporation

JPMorgan Chase & Co.

Lawyers' Committee for Civil
Rights Under Law

Lockheed Martin

Mayo Foundation for Medical
Education and Research

Media General Inc.

Murray Energy Corp.

National Association of
Broadcasters

National Collegiate Athletic
Association

National Hockey League

National Public Radio Inc.

National Telephone Cooperativ
Association

Nexstar Broadcasting Group, In
Oregon State Bar

Pharmaceutical Care
Management Association

Procter & Gamble Co.

Revel AC Inc.

SIFMA

Southern Poverty Law Center

T-Mobile USA Inc.

The Boeing Company

Trump Organization Inc.

Turner Broadcasting System In
Twitter Inc.

U.S. Renal Care Inc.

United Auto Workers

Verizon Communications

Washington Post Co.

Washington State Bar Associat

Wells Fargo & Co.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Land Management

Centers for Medicare & Medica
Services

Central Command

urged a state judge to reverse another judge's probable cause finding in an activist's criminal complaint accusing the governor of official misconduct over politically motivated lane closures at the George Washington Bridge.

INSURANCE

Feds Urge Against Rule Injunction In Dialysis Program Suit

The U.S. Department of Justice told a federal judge in Texas on Wednesday not to grant a request from dialysis companies to stop a Health and Human Services rule change affecting patient insurance coverage, because it is a "limited and modest but urgently needed" step to protect patients.

EMPLOYMENT

ERISA Blocks Iowa Pharmacy Benefits Law, 8th Circ. Says

The Eighth Circuit ruled Wednesday that an Iowa law regulating certain actions taken by prescription drug benefit managers is preempted by the Employee Retirement Income Security Act, saying it would improperly create different administrative processes for ERISA plans in the state than exist nationally.

Job Seekers' Past Salaries Now Off Limits To NY Agencies

New York Gov. Andrew Cuomo has signed two executive orders, one prohibiting state agencies from evaluating candidates based on their prior salary or asking about their wage history, and the other requiring state contractors to disclose job title and salary data.

PRIVACY & CONSUMER PROTECTION

NIST's Popular Cybersecurity Framework Gets Facelift

The National Institute of Standards and Technology on Tuesday floated an update to its widely adopted voluntary cybersecurity framework that would establish a common vocabulary for discussing cyber supply chain risks and set up a way to measure the progress businesses have made in identifying and managing cyberthreats.

Bathroom Rule Ban Is Toothless In Okla., LGBT Group Says

An Oklahoma LGBT advocacy group told the Fifth Circuit on Tuesday that the state should be exempted from an injunction blocking an Obama administration guidance that students be allowed to use restrooms that match their gender identity, saying the directive conflicted with no Oklahoma law.

GOVERNMENT CONTRACTS

Pentagon Testing Chief Flags More Delays For F-35

Continued issues with the F-35 program could add more than \$1 billion to its testing costs and mean the fighter jet may not complete full operational testing until 2020, the Pentagon's top weapons system tester said in a report released Tuesday.

Rep. Chaffetz Hopes To Bar Tax-Delinquent Gov't Workers

A bill that would eliminate eligibility for federal civilian employment, contracts or grants for individuals with significant delinquent tax debt has passed the House Oversight and Government Reform Committee, Republican Congressman Jason Chaffetz of Utah announced Tuesday.

Commodity Futures Trading Commission

Congressional Research Service

Department of Commerce

Equal Employment Opportunity Commission

Executive Office of the President

Federal Acquisition Regulatory Council

Federal Aviation Administration

Federal Communications Commission

Federal Housing Administration

Government Accountability Office

Internal Revenue Service

International Chamber of Commerce

NAFTA

NATO

National Aeronautics and Space Administration

National Institute of Standards and Technology

National Labor Relations Board

New Jersey Attorney General's Office

New Jersey Casino Control Commission

New York Attorney General's Office

North Carolina Department of Environmental Quality

Occupational Safety and Health Administration

Port Authority of New York & New Jersey

Securities and Exchange Commission

U.S. Army

U.S. Attorney's Office

U.S. Commission on Civil Rights

U.S. Department of Defense

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

Trump Slams Russia Docs Report, F-35 Cost Overruns

President-elect Donald Trump on Wednesday slammed reports that Russia holds compromising information on him as "fake news," while continuing to criticize the Pentagon's largest acquisition program, the F-35 fighter jet, for cost and schedule overruns.

Group Seeks To Preserve Aerospace Tax Breaks In Wash.

A group that seeks to preserve tax incentives for Washington state's aerospace industry and includes Boeing as a member announced its launch on Tuesday, amid Boeing's opposition to efforts to restrict \$8.7 billion in tax breaks.

INTERNATIONAL TRADE

Missing Ethics Paperwork Delays Ross Confirmation Hearing

The leaders of the Senate Commerce Committee said Tuesday that the hearing to consider the nomination of Wilbur Ross as the next commerce secretary will be delayed to next week because the panel has not yet received crucial ethics documents from the billionaire investor.

DOL Says Colombia Out Of Step With Trade Obligations

The U.S. Department of Labor reported Wednesday that Colombia is falling short of its commitments under a bilateral trade agreement by failing to protect workers' rights and vigorously enforce its labor laws.

Tillerson Tries To Draw Hard Line On Russia

Rex Tillerson, Donald Trump's nominee for secretary of state, took a hard stance against Russian aggression in his opening statement seeking Senate confirmation Wednesday but later refused to directly call Russian President Vladimir Putin a war criminal or to stand by sanctions imposed over Russia's alleged election interference.

TAX

Morgan Lewis Atty Steps Into Spotlight With Trump Plan

Morgan Lewis & Bockius LLP tax partner Sheri Dillon made a running leap Wednesday into the mainstream consciousness when she spoke to the American public at Donald Trump's latest press conference, addressing the president-elect's potential conflicts of interest.

DC Circ. Urged To Revive Offshore Income Program Suit

Three taxpayers have pressed the D.C. Circuit to revive their suit seeking to upend the Internal Revenue Services' offshore income disclosure programs, arguing that the changes they are seeking will not block the agency from collecting taxes.

INTERNATIONAL ARBITRATION

Switzerland Floats Amendments To Int'l Arbitration Law

Switzerland on Wednesday released a series of proposed amendments to its law governing international arbitration, which are aimed at enhancing the law's flexibility and maintaining the country's reputation as an attractive venue for dispute resolution.

Singapore Passes Bills To Boost Global Arbitration Role

U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
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. General Services Administration
U.S. House of Representatives
U.S. Marine Corps
U.S. Navy
U.S. Office of Government Ethics
U.S. Senate
U.S. Supreme Court
United Nations
World Intellectual Property Organization

The Parliament of Singapore passed two bills on Tuesday in an attempt to solidify the city-state's status as a center for dispute resolution, creating a framework for enforcing mediated settlements and for the first time allowing third-party funding in international commercial arbitration.

IMMIGRATION

New Requirements Pitched For Exchange Visitor Program

The U.S. Department of State said Wednesday it is considering adding a series of restrictions to the Exchange Visitor Program, including limits on the number of hours that participants could work at night and the number of repeat visits they could make.

TELECOMMUNICATIONS

FCC Extends Timeline For Reconsidering Ownership Rules

The Federal Communications Commission agreed Wednesday to push back the deadlines for oppositions and replies to oppositions on requests that it reconsider its decision keeping media ownership restrictions, moving deadlines further into the Trump administration.

FCC Sparks GOP Outcry With 'Midnight' Report On Free Data

A Federal Communications Commission bureau report released Wednesday finding that Verizon and AT&T zero-rating plans pose "significant risks to consumers and competition" is "midnight regulation" driven by a partisan and political agenda, Republican FCC Commissioner Ajit Pai said in a statement.

FCC Floats Progress Reporting For Post-Auction TV Transition

The Federal Communications Commission on Tuesday released details of quarterly reporting requirements for broadcast television stations' repackaging effort following an auction process to reassign broadcast spectrum for broadband wireless use, including updates on building equipment, tower work and regulatory approval for construction to comply with the transition.

EXPERT ANALYSIS

What Will DOL's Immigration Policy Look Like Under Puzder?

It is still unclear how much legal immigration policy will change in the new Trump administration. However, both President-elect Donald Trump and his nominee for secretary of the U.S. Department of Labor, Andrew Puzder, have worked in industries that rely heavily on foreign nationals and it is entirely possible that legal immigration will stay within historic norms, says Becki Young, co-founder of Hammond Young Immigration Law LLC.

How NDAA For 2017 Changes DOD Contracting

In addition to creating new rules in four areas of interest to federal contractors, the National Defense Authorization Act for Fiscal Year 2017 foreshadows potential future reforms, say attorneys with Vinson & Elkins LLP.

Understanding How Blockchain Could Impact Legal Industry

Blockchain is essentially a computerized public ledger that can apply to almost anything that a person might save into a database or spreadsheet. This versatile technology may enhance the legal industry by providing an improved record keeping system, setting up "smart contracts" and tracking

intellectual property and land records, say R. Douglas Vaughn and Anna Outzen of Deutsch Kerrigan LLP.

LEGAL INDUSTRY

SEC, NY DA Fight Dewey Trustee's Bid To Destroy Records

The U.S. Securities and Exchange Commission and the New York District Attorney's Office asked a bankruptcy judge in separate filings on Wednesday to block the liquidating trustee in the Dewey & LeBoeuf LLP bankruptcy from disposing of documents needed in civil and criminal lawsuits against officers and employees of the defunct law firm.

DLA Piper, Goodwin Big Talent Winners As KWM Struggles

Goodwin Procter LLP on Wednesday announced that it has taken on six partners, along with 20 associates and trainees, from King & Wood Mallesons' European unit, the latest in a long string of departures that have picked up steam in recent weeks as the struggling global law firm bleeds talent.

Mind Your Metadata: Ethics Rules On Hidden Data

Slowly but surely, state ethics committees are addressing the rules and responsibilities around an often overlooked risk to client confidentiality — document metadata. Here, Law360 answers four common questions lawyers have about the ethical landscape for handling the sensitive client data.

Sedgwick Partner Taps Sanford Heisler In \$200M Bias Row

Sanford Heisler LLP has been hired as new lead counsel in a Sedgwick LLP partner's proposed gender discrimination class action against her firm, charging out of the gate Wednesday by filing an amended complaint in arbitration that adds fresh allegations and a \$200 million request for damages.

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