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Subject: Trump Promises Border Tax, NAFTA Rewrite, More Trade Deals

PUBLIC POLICY

Friday, January 27, 2017

TOP NEWS

Trump Promises Border Tax, NAFTA Rewrite, More Trade Deals

American relations with Mexico could change drastically in the coming months, with President Donald Trump promising Thursday to renegotiate the North American Free Trade Agreement and to institute an import tax as part of larger reforms.

Analysis

Dems' \$1T Infrastructure Plan Tees Up Fights Over Funding

Despite politicians on both sides of the aisle agreeing that government investment in infrastructure should be a priority, Senate Democrats' recent \$1 trillion infrastructure proposal is likely just the opening salvo in what will be a pitched political battle centering on how to pay for upgrades to the nation's roads, railways and ports, experts say.

Trump, GOP Allies Aim To Kill Dodd-Frank By Year's End

A top Republican lawmaker on Thursday vowed to repeal the Dodd-Frank Act and replace it with a new financial regulatory system within a year, now that President Donald Trump has named it a top administration priority.

Analysis

Lipnic May Nudge EEOC Toward Less Burdensome Policies

Victoria Lipnic, who was appointed Wednesday as the U.S. Equal Employment Opportunity Commission's acting chairwoman, could slide the agency toward policies that better balance its anti-discrimination goals with more employer-friendly policies, experts say.

Trump Taps Miscimarra As Acting NLRB Chair

President Donald Trump has appointed Republican Philip A. Miscimarra as acting chairman of the National Labor Relations Board, the agency confirmed Thursday.

NM Sen. Wants Answers On Freeze Of EPA Grants, Contracts

A U.S. senator from New Mexico on Thursday said he has sent President Donald Trump a letter asking for answers on reports that his administration ordered a freeze to grants and contracts at the U.S. Environmental Protection Agency.

Only Gov't Can Unredact Bulk Data Opinions: Secret Court

The nation's secret surveillance court on Wednesday killed a bid by the

LAW FIRMS

Allen & Overy
Alston & Bird
Arnold & Porter Kaye Scholer
Bernstein Litowitz
Bingham McCutchen
Bond Dickinson
Cohelan Khoury
Cotman IP
Covington & Burling
Cozen O'Connor
Crowell & Moring
Dentons
Dewey & LeBoeuf
Dinsmore & Shohl
Drinker Biddle
Duane Morris
Earthjustice
Epstein Becker Green
Evans Petree
Gardy & Notis
Gibson Dunn
Goldstein & Russell
Goodwin
Grant & Eisenhofer
Gupta Wessler
Hogan Lovells
Holland & Knight
Hunton & Williams
Jones Day
King & Spalding
Marino Tortorella
Mayer Brown
McGuireWoods
Morgan Lewis

American Civil Liberties Union and Yale's Media Freedom and Information Access Clinic for access to redacted portions of decisions that the court has made public addressing bulk data collection, saying any requests to declassify whatever information is still under wraps must be made to the federal government.

GOP To Push ACA Repeal, Tax Reform This Year

Congressional leaders along with President Donald Trump said Thursday that they plan on pushing through an Affordable Care Act repeal and tax system overhaul in the next six months, delaying initial expectations for immediate repeal of the health care law.

BANKING & SECURITIES

SEC Names Michael Piowar Acting Head, Awaits Nominee

Commissioner Michael Piowar will serve as the acting chair of the U.S. Securities and Exchange Commission while President Donald Trump's pick to head the securities regulator awaits Senate confirmation, according to the SEC's site.

CFTC's General Counsel To Step Down

The U.S. Commodity Futures Trading Commission's general counsel is leaving the agency after nearly four years of guiding the commodities regulator on a number of Dodd-Frank Act reforms and defending the agency in several major cases, acting CFTC Chair J. Christopher Giancarlo announced Thursday.

ENERGY & ENVIRONMENTAL

Murray Wants \$3M In Fees From EPA After Coal Jobs Win

Murray Energy Corp. asked a West Virginia federal judge Wednesday to award it \$3 million in attorneys' fees in its successful battle to force the U.S. Environmental Protection Agency to study the effect of regulations on coal jobs.

Trump Taps LaFleur As Acting Chairman Of FERC

President Donald Trump has officially tapped Cheryl LaFleur as acting chairman of the Federal Energy Regulatory Commission, a move that will coincide with Chairman Norman Bay's resignation.

Carper Slams Pruitt's Post-Hearing Answers As Inadequate

The top Democrat on the U.S. Senate Committee on Environment and Public Works on Wednesday slammed President Donald Trump's pick to lead the Environmental Protection Agency for providing answers "shockingly devoid of substance" in response to written questions related to his upcoming confirmation vote.

TRANSPORTATION & INFRASTRUCTURE

Uber Lands First Permanent Ride Hailing License In Pa.

Pennsylvania's Public Utilities Commission on Thursday unanimously made Uber the first ride-hailing company to operate in the state with official permanent status, following 2016 legislation that allowed the industry to operate statewide.

EMPLOYMENT

Motley Rice

Ogletree Deakins

Outten & Golden

Perkins Coie

Pillsbury Winthrop

Reed Smith

Ropes & Gray

Sanford Heisler

Sedgwick LLP

Seyfarth Shaw

Simpson Thacher

Squire Patton Boggs

Stoel Rives

Sullivan & Cromwell

Venable LLP

Weiner Brodsky

Wilk Auslander

Wilkinson Barker

WilmerHale

Womble Carlyle

COMPANIES

AT&T Inc.

Aetna Inc.

Alibaba Group Holdings Ltd.

American Civil Liberties Union

Apache Corporation

Bank of America Corporation

Barclays Capital Inc.

Berkshire Hathaway Inc.

Burford Capital LLC

CTIA

Chevron Corporation

Competitive Carriers Associatio

D-Link Corporation

Dell Inc.

Deutsche Bank AG

E. I. du Pont de Nemours and Company (DuPont)

Edison Electric Institute Inc.

Energy Transfer Partners, L.P.

Finisar Corporation

Gawker Media LLC

Goldman Sachs Group Inc.

Google Inc.

HarbourVest Partners LLC

Humana Inc.

DOL Nom Puzder's Franchisees Slammed With Worker Suits

Franchisees of fast food brands run by Labor Secretary nominee Andy Puzder have been named in more than 30 wage, harassment and labor suits filed with state and federal authorities in the last few days, labor advocacy group Fight for \$15 announced Thursday, the same day Puzder's confirmation hearing was delayed a third time.

EPA Rights Office Finds Mich. Discriminated Against Blacks

The U.S. Environmental Protection Agency's Office of Civil Rights has found that a Michigan state agency discriminated against blacks during the public hearing process regarding a permit for a wood-burning power plant.

COMPETITION

Sessions Says He Will Enforce FCPA, Review Health Mergers

Sen. Jeff Sessions told members of the Senate Judiciary Committee in answers made public Thursday that if he is confirmed as U.S. attorney general he will enforce the Foreign Corrupt Practices Act, regardless of President Donald Trump's previous criticism of the law.

PRIVACY & CONSUMER PROTECTION

Top Dem Lawmakers Seek To Back CFPB In Leadership Case

Two top Democratic lawmakers on Thursday asked to intervene in litigation challenging the constitutionality of the Consumer Financial Protection Bureau's structure, arguing that the Trump administration was unlikely to provide the vigorous defense that the bureau deserves.

Analysis

New FTC Chair To Shift Data Security Focus To Actual Harm

With her appointment as acting chairwoman Wednesday, Maureen Ohlhausen is likely to steer the Federal Trade Commission away from privacy and consumer protection issues where consumer harm isn't crystal clear, and could finally answer businesses' long-standing calls for clarity on what exactly constitutes "reasonable" data security efforts.

GOVERNMENT CONTRACTS

Performance Overtakes Tenure In DOD's Layoff Calculations

The U.S. Department of Defense on Thursday unveiled its new, congressionally mandated civilian layoff policy that will place performance evaluations at the top of the chart when calculating who should stay and who should go under any potential reduction in force of the military's civilian workers.

Trump Picks Businessman Philip Bilden As Navy Secretary

President Donald Trump has tapped venture capitalist and former Navy Intelligence Captain Philip Bilden to serve as the administration's Secretary of the Navy, the White House announced Wednesday.

TAX

Group Of Major Business Players Backs GOP Tax Blueprint

The GOP plan to slash the corporate tax rate to 20 percent while taxing

Koch Industries Inc.

Macy's Inc.

Murray Energy Corp.

National Association of Broadcasters

National Grid PLC

National Rifle Association of America

National Telephone Cooperative Association

New York Times Co.

New York University

PHH Corporation

Regency Energy Partners LP

Safeway Inc.

Schlumberger Limited

Self-Help Credit Union

SolarCity Corp.

The Coca-Cola Company

U.S. Chamber of Commerce

Verizon Communications

Wells Fargo & Co.

Wyndham Worldwide Corporati

GOVERNMENT AGENCIES

Bureau of Indian Affairs

Bureau of Industry and Security

Bureau of Safety and Environmental Enforcement

California Attorney General's Office

Commodity Futures Trading Commission

Congressional Budget Office

Congressional Research Service

Consumer Financial Protection Bureau

Defense Intelligence Agency

Enterprise Rancheria of Maidu Indians

Equal Employment Opportunity Commission

Federal Communications Commission

Federal Deposit Insurance Corp

Federal Energy Regulatory Commission

Federal Trade Commission

imports will “boost our economy, foster investment in the U.S. and create good-paying American jobs,” a tax reform group whose members include Bank of America Corp., The Coca-Cola Co. and Google Inc. said Thursday.

NATIVE AMERICAN

Calif. High Court To Hear Tribe's Suit Over Rival's Casino OK

California's top court agreed on Wednesday to review a decision upholding a ruling that rejected a Native American tribe's challenge to the California governor's role in authorizing another tribe's competing casino project, in which the tribe bringing the case alleges that the governor usurped the state Legislature's powers.

TELECOMMUNICATIONS

FCC Chief's First Official Meeting Is With Advocacy Groups

Newly minted Federal Communications Commission Chairman Ajit Pai announced Wednesday that his first official meeting as chairman will be with consumer advocacy groups, including LGBT and minority groups, following Pai's policy remarks about bridging the “digital divide” between Americans.

NY Wins \$170M In Broadband Funds Turned Down By Verizon

The Federal Communications Commission on Thursday signed off on \$170 million in additional rural broadband development funding for New York, voting in favor of the state's request to recapture Connect America Fund money rejected by Verizon.

NH Pols Push FCC For Broadband Funding In Rural Areas

New Hampshire's congressional delegation asked the new head of the Federal Communications Commission Wednesday to move forward with a second phase of funding to improve mobile voice and internet service in areas without it.

AT&T Denies FCC Role On Cybersecurity

A white paper from the Federal Communications Commission's Public Safety and Homeland Security Bureau in the waning days of the Obama administration is wrong to claim the FCC has a cybersecurity role and to assume broadband providers are unmotivated to protect networks, AT&T Inc. said Wednesday.

Broadcasters Lobby FCC To Refine Auction Repack Report

The Federal Communications Commission — when mulling potential changes to reporting requirements for broadcast television stations' repackaging effort following an incentive auction to clear a chunk of spectrum for wireless use — should not suggest that stations must operate with diminished coverage, the National Association of Broadcasters said Wednesday.

PEOPLE

Alston & Bird Adds Mars Inc. Head Lobbyist In DC

Alston & Bird has bolstered its Washington, D.C. legislative and public policy team with the addition of the former Mars. Inc. federal government affairs director, according to an announcement.

EXPERT ANALYSIS

Fish and Wildlife Service
International Monetary Fund
Michigan Department of Environmental Quality
NAFTA
National Communications System
National Labor Relations Board
National Security Agency
North Carolina Department of Environmental Quality
Occupational Safety and Health Administration
Occupational Safety and Health Review Commission
Office of Foreign Assets Control
Securities and Exchange Commission
U.S. Army
U.S. Coast Guard
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Navy
U.S. Office of Government Ethics
U.S. Senate
U.S. Supreme Court
United Auburn Indian Community

What To Look For In Trump And May's 1st Meeting

Among the goals of Prime Minister Theresa May and President Donald Trump in Friday's meeting at the White House will be setting a course for a future U.K.-U.S. trade deal. The policies of both leaders will be on the line, say Jim Kearney of Womble Carlyle Sandridge & Rice LLP and Peter Snaith of Bond Dickinson LLP.

Selling Access: Trump And The Legacy Of Bob McDonnell

With a green light from the U.S. Supreme Court's decision in McDonnell last year, President Donald Trump and his family are free to use access to Washington power as a bargaining chip in his private business dealings, says Randall Eliason, a former federal prosecutor.

Understanding Trump Pipeline Memo On US-Sourced Materials

Among the executive orders and presidential memoranda focused on pipeline projects that President Donald Trump signed on Monday was one that called for any future pipeline work to use "materials and equipment produced in the United States." The memorandum provides some interpretive guidance, but leaves other important terms unclear, say attorneys from King & Spalding LLP.

The Implications Of Lifting Sanctions Against Sudan

Earlier this month, the outgoing Obama administration announced that long-standing comprehensive sanctions against Sudan would be suspended effective Jan. 17, 2017, and that the sanctions would be revoked in six months if the progress of the past six months continued. Mayer Brown LLP attorneys discuss the implications of these actions.

Late Innings: Top Enviro Decisions From Final Days Of 2016

December 2016 saw several major environmental decisions made by federal and state courts. Anthony Cavender of Pillsbury Winthrop Shaw Pittman LLP offers insight into these important cases and the impact they could have in 2017 and beyond.

LEGAL INDUSTRY

Why Rainmakers Are Helping Rich Firms Get Richer

Rainmakers at weaker law firms are making their way to stronger and more profitable firms, according to a recent report by Major Lindsey & Africa, a trend that experts say is being triggered by more than simply money.

Calif. Legal Funding Rule Won't Shed More Light On Deals

While proponents of transparency in the litigation funding field are cheering a California federal court's new disclosure rule for class action cases, experts warned they shouldn't expect much change in a district where judges already have high expectations when it comes to knowing lawyers' financial arrangements.

Law360's Weekly Verdict: Legal Lions & Lambs

Three plaintiffs law firms grabbed the top spot on this week's legal lions list after an appellate court reinstated their client's objections to an \$11.2 billion merger between two energy companies while Jones Day and Crowell & Moring LLP landed on the legal lambs list when a federal judge blocked a \$37 billion proposed merger between their respective clients, Aetna and Humana.

Nashville Federal Judge Resigns, Headed To Private Firm

The chief federal judge in Nashville is leaving the bench to join a civil rights and public interest law firm, leaving President Donald Trump with a second a Tennessee federal judgeship to appoint.

Allen & Overy Revenue Rises, Partner Pay Remains The Same

Revenues at Allen & Overy LLP rose 2.3 percent to £1.31 billion (\$1.65 billion) in fiscal year 2015-2016, but average profit per full partner remained virtually unchanged at £1.2 million, due in part to a rise in staffing costs, a new report filed in the U.K. showed.

With 23 Sedgwick Attys, Drinker Biddle Enters Texas Market

Drinker Biddle & Reath LLP has made its entrance into the Texas market, the firm announced on Thursday, as it brought onboard 23 attorneys who formerly worked for Sedgwick LLP in Dallas — bringing the total number of departing Sedgwick attorneys to 40 in two days.

Call For Participants: Law360's 2017 Editorial Advisory Boards

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