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**Subject:** Bill Proposes Upping Salary Threshold For H-1B Workers

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## PUBLIC POLICY

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Wednesday, July 20, 2016

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### TOP NEWS

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#### [Bill Proposes Upping Salary Threshold For H-1B Workers](#)

A bill introduced in the U.S. House of Representatives would close a loophole in the H-1B visa program that allegedly depresses the wages and job opportunities of U.S. workers.

#### [Chamber, Others Say DOL Fiduciary Rule Needs The Ax](#)

The U.S. Chamber of Commerce and other business groups asked a Texas federal court Monday to strike down the U.S. Department of Labor's new fiduciary rule, saying the agency lacked the authority to promulgate the rule in the first place.

#### [Brexit Challenge To Go To Trial In October](#)

The first legal challenge over whether the U.K. government can begin formal proceedings to leave the European Union without parliamentary assent will be heard in the middle of October, a judge ruled Tuesday.

#### [US Joins Case Over Facebook Data Transfers From EU](#)

An Irish court on Tuesday granted the United States permission to offer testimony in a European Union suit over international data transfers by Facebook.

#### [FINRA Poses Treasury Securities Reporting Requirements](#)

The Financial Industry Regulatory Authority on Monday proposed a rule change that would require all FINRA members to report transactions in U.S. Treasury securities, a step aimed at addressing volatility in the \$13.4 trillion market after a sudden crash and rebound in October 2014.

#### [North Dakota Asks DC Circ. To Set Aside EPA Methane Rule](#)

The state of North Dakota has asked the D.C. Circuit to strike down U.S. Environmental Protection Agency regulations aimed at curbing methane emissions from new and modified oil and gas infrastructure, saying that the agency exceeded its authority.

#### [Donald Trump Wins Republican Party Nomination](#)

Presidential candidate Donald Trump formally clinched his party's nomination

### LAW FIRMS

Akerman  
Akin Gump  
Arnold & Porter  
Baker & McKenzie  
Bancroft PLLC  
Beirne Maynard  
Brownstein Hyatt  
BuckleySandler  
Caroselli Beachler  
Cleary Gottlieb  
Covington & Burling  
Cozen O'Connor  
Cravath Swaine  
Debevoise & Plimpton  
Dechert  
Dentons  
Eckert Seamans  
Finnegan  
Foley & Lardner  
Fraser Trebilcock  
Gibson Dunn  
Greenberg Traurig  
Herbert Smith Freehills  
Hertz Schram  
Hogan Lovells  
Holland & Knight  
Hunton & Williams  
Jones Day  
Kasowitz Benson  
Kleinbard LLC

on Tuesday at the Republican National Convention in Cleveland, notching the necessary 1,237 delegate votes after 56 primaries and caucuses.

## ANALYSIS

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### New Tax-Free Distribution Rules Raise Valuation Concerns

While newly proposed Internal Revenue Service rules governing tax-free corporate spinoffs provide some clarity in a fuzzy area of tax law, experts say fresh questions about how assets will be valued and defined mean the guidelines may ultimately not make the planning of such transactions any easier.

### Calif. Carbon Plan Puts Rainforest Credits Down, Not Out

California air regulators said last week that the Golden State's carbon trading program won't allow companies to buy credits generated from the preservation of Mexican and Brazilian rainforests to offset their emissions, but experts say that idea may end up being part of carbon trading schemes in the future.

### DOI's Arctic Drilling Rule May Squeeze Native Companies

The U.S. Department of the Interior's controversial new rule to tighten standards for oil and gas drilling in the Arctic Sea aims to protect the subsistence livelihoods of Alaska Natives, but experts say the rule may end up costing tribes by discouraging drillers and depriving Native corporations that provide oil and gas services of much-needed income.

### Ill. AG Builds State's Profile As Tough Consumer Advocate

Illinois may be known for its budget crisis, pension bills and a stark partisan divide, but state Attorney General Lisa Madigan has added consumer advocacy to that list through her office's dogged litigation against some of the nation's biggest banks and corporations accused of defrauding their customers.

## BANKING & SECURITIES

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### New UK Financial Watchdog Chief Plots Mission Overhaul

The new head of the U.K. Financial Conduct Authority has promised to aggressively target bad behavior in firms on its radar and increase transparency, after admitting Tuesday it has let down consumers.

### Lending Bias Found In St. Louis, Milwaukee, Minneapolis

The St. Louis, Milwaukee and Minneapolis areas have extensive mortgage lending imbalances, the National Community Reinvestment Coalition said in a report released on Monday, finding that mortgage credit distribution is heavily swayed by family income levels and the racial makeup of neighborhoods.

## ENERGY & ENVIRONMENTAL

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### DC Circ. Backs EPA's Revocation Of Coal Permit

A divided D.C. Circuit panel on Tuesday upheld the U.S. Environmental Protection Agency's revocation of an Arch Coal unit's coal permits, with the majority saying the agency reasonably explained its decision to yank the permit due to wildlife concerns, which it has broad authority to do under the Clean Water Act.

Latham & Watkins

Lowenstein Sandler

Mayer Brown

McGlinchey Stafford

McKool Smith

Millberg Gordon

Mintz Levin

Norton Rose Fulbright

O'Melveny & Myers

Paul Hastings

Perkins Coie

Reed Smith

Rivkin Radler

Seyfarth Shaw

Sidley Austin

Simpson Thacher

Sonosky Chambers

Squire Patton Boggs

Steptoe & Johnson LLP

Sutherland Asbill

Thompson & Knight

Thompson Coe

Troutman Sanders

Tucker Arensberg

Venable LLP

Wilkinson Walsh

WilmerHale

## COMPANIES

7-Eleven Inc.

AMC Entertainment

AT&T Inc.

Alibaba Group Holdings Ltd.

American Bar Association

American Civil Liberties Union

American Council of Life Insurer

American Intellectual Property  
Law Association

Apple Inc.

Arch Coal Inc.

BAE Systems

BTI Consulting Group Inc.

Babcock International Group

Bank of America Corporation

Business Software Alliance

Center for Biological Diversity In

Chevron Corporation

## FWS Yanks Lesser Prairie Chicken From Threatened List

The U.S. Fish and Wildlife Service on Tuesday removed the lesser prairie chicken from its list of threatened species after declining to appeal a Texas federal court decision vacating the listing and said it would re-examine the bird's status to determine whether a threatened listing is now warranted.

## Mich. Environmental Officials Seek To Skirt Flint Water Suit

Officials with the Michigan Department of Environmental Quality are looking to escape a proposed class action filed by a mother in Flint who seeks to hold them responsible for the lead contamination of the city's water system, saying on Tuesday that she doesn't state any claims against them directly.

## Fla. Retailers Sue To Block City's Plastic Foam Ban

Florida's leading retail trade association has filed suit against the city of Coral Gables, seeking to block its ban on the use of polystyrene products by local businesses, saying the city's ordinance violates state law.

## Akin Gump Nabs FERC Investigations Director

The former investigations chief at the Federal Energy Regulatory Commission's enforcement office has joined Akin Gump Strauss Hauer & Feld LLP as a partner to advise clients in the power and natural gas industries on energy market regulations and enforcement, the firm said Monday.

## HEALTH & LIFE SCIENCES

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### Tucker Arensberg Launches Pa. Medical Marijuana Group

The recent legalization of medical marijuana in Pennsylvania has spurred the Pittsburgh-based Tucker Arensberg PC to launch a new practice group focusing on the burgeoning industry, the firm announced on Monday.

## IP & TECHNOLOGY

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### House Panel Presses USPTO On Shared Services Program

U.S. House of Representatives committee members expressed concern Monday about the U.S. Patent and Trademark Office's possible inclusion in a shared services program, questioning whether it might distort part of the congressional intent behind the America Invents Act.

## TRANSPORTATION & INFRASTRUCTURE

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### Texas High-Speed Rail Line Doesn't Need STB Approval

The Surface Transportation Board on Monday said it doesn't have jurisdiction over a proposed \$10 billion high-speed rail line between Dallas and Houston — unlike an intrastate line in California — because the Texas line will have minimal intersection with national Amtrak lines.

## EMPLOYMENT

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### SEC Reminds Rating Agencies To Review After Workers Leave

The U.S. Securities and Exchange Commission on Monday sent a letter to all the nationally recognized statistical rating organizations, including Standard & Poor's, Moody's and Fitch Inc., reminding them of rules concerning the departure of their employees.

## PRIVACY & CONSUMER PROTECTION

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Competitive Carriers Associator

ConocoPhillips

Cushman & Wakefield Inc.

Electronic Privacy Information Center

Facebook

Ferrari SpA

Financial Industry Regulatory Authority Inc.

Friedman LLP

Google Inc.

HSBC Holdings PLC

Herbalife Ltd.

IP Owners Association

JetBlue Airways Corporation

KBW, Inc.

Kemper Corporation

Level 3 Communications Inc.

LinkedIn Corp.

McGraw Hill Financial Inc.

Microsoft Corporation

Mitsui & Company Ltd.

Moody's Corporation

NASDAQ OMX Group Inc.

National Consumer Law Center

National Railroad Passenger Corporation

Navient Corp.

New York Times Co.

OmniVision Technologies, Inc.

Rolls-Royce

Royal Dutch Shell PLC

SIFMA

SLM Corporation

The DIRECTV Group, Inc.

Towers Watson & Co.

Turner Broadcasting System Inc

Twitter Inc.

U.S. Chamber of Commerce

UBS AG

Verizon Communications

Washington Post Co.

Yahoo! Inc.

## GOVERNMENT AGENCIES

Army Corps of Engineers

California Environmental

## NYT Faces Off With DOD Over Carter's Use Of Personal Email

The New York Times and U.S. Department of Defense faced off Tuesday in New York federal court as the newspaper seeks to force the Pentagon to cough up unredacted versions of official emails Defense Secretary Ashton Carter sent from his personal account.

## Ill. Treasurer Calls On Gov. To Sign Unclaimed Policy Bill

The state treasurer of Illinois said on Tuesday that Gov. Bruce Rauner should not hesitate any longer to sign a bill requiring life insurance companies to make a good faith effort to locate deceased policyholders so that beneficiaries receive the money they're due.

## UNC Says It Shouldn't Be Involved In Feds' Bathroom Suit

The University of North Carolina on Monday asked to be dismissed from the federal litigation over the state's controversial law banning transgender people from using public bathrooms of their choice, saying that there's no reason for the school to be involved.

## GOVERNMENT CONTRACTS

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### UK Parliament OKs \$54B Nuclear Sub Replacement Program

The British Parliament on Monday voted overwhelmingly in favor of a proposal to replace the U.K.'s aging fleet of nuclear submarines, an effort that is expected to cost up to \$54 billion to complete.

### DHS Revises Chemical Facility Anti-Terror Info Gathering

The U.S. Department of Homeland Security is revising the applications used to collect information about certain chemical facilities to determine terrorism risks, according to a notice filed with the Federal Register on Tuesday.

## INTERNATIONAL TRADE

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### US Blocking Publication Of Damning HSBC Report, UK Says

An explosive report into failures to thwart money laundering that is at the heart of a billion-dollar HSBC Holdings PLC settlement is being blocked from publication by U.S. authorities and may threaten the stability of the global financial system if ever fully aired, the U.K.'s top regulator said Tuesday.

### Legal Action Looming Without Strong Lumber Deal, Sens. Say

A bipartisan group of 25 senators has called for U.S. Trade Representative Michael Froman to reach a strong deal with Canada governing softwood lumber trade, warning that domestic producers stand ready to seek new tariffs if the new agreement mimics the shortcomings of its predecessor.

## TAX

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### 10th Circ. Won't Rethink Colo. Taxpayer Bill Of Rights Row

A Tenth Circuit panel summarily refused Tuesday to reconsider its early-June reversal against a group of Colorado state legislators, letting stand its conclusion that as individual lawmakers, they have no standing to challenge the state's Taxpayer Bill of Rights.

### Italy Needs To Step Up Its Tax Compliance Measures: OECD

The Organization for Economic Cooperation and Development urged Italy to take up substantial tax reforms in its Tuesday report, saying the country's

Protection Agency

Commodity Futures Trading  
Commission

Consumer Financial Protection  
Bureau

Department of Commerce

European Commission

Federal Communications  
Commission

Federal Energy Regulatory  
Commission

Federal Railroad Administration

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

Internal Revenue Service

Office of Foreign Assets Control

Securities and Exchange  
Commission

Social Security Administration

Surface Transportation Board

Texas Attorney General's Office

U.S. Army

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

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 Transportati

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection  
Agency

U.S. House of Representatives

U.S. Patent and Trademark Offic

U.S. Supreme Court

fractured administrative and legal structure have resulted in high amounts of unpaid taxes.

## IMMIGRATION

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### Gov't Wants Sanctions Order Nixed In Texas Immigration Case

The federal government on Monday urged a Texas federal court handling the case over President Barack Obama's immigration executive actions to nix a sanctions order requiring agency attorneys to go to legal ethics classes, saying the cancellation was justified to dodge a "jurisdictional cloud" possibly impacting the case.

## RETAIL & E-COMMERCE

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### Pa. Justices Drop Appeal Over Gas Station Beer Sales

The Pennsylvania Supreme Court on Monday agreed that a massive overhaul of the state's liquor system signed into law last month mooted a pending appeal over a decision that allowed a Sheetz gas station to sell beer.

## TELECOMMUNICATIONS

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### FCC General Counsel Leaves For DOJ

Federal Communications Commission Chairman Tom Wheeler announced Tuesday that Jon Sallet will leave his post as the FCC's general counsel to join the U.S. Department of Justice, and he intends to appoint the vice chair of the commission's incentive auction task force as Sallet's replacement.

### Okla. EMS Group Calls For Rural Data Competition

Oklahoma emergency medical service workers are urging the Federal Communications Commission to keep rural broadband access in mind while rewriting business data services rules, saying more access could save lives.

### Emergency Alert Reforms Have Technical Limits, FCC Is Told

The Competitive Carriers Association wants the Federal Communications Commission to let technology lead policy, and not the other way around, in proposed updates to the Wireless Emergency Alerts System, according to an ex parte filing submitted Monday.

### Ex-Cravath Exec. Director Joins Brownstein Hyatt As COO

Brownstein Hyatt Farber Schreck LLP has hired Cravath Swaine & Moore LLP's former executive director Steven Spiess as its chief operating officer, bringing on board Spiess' 25 years of experience running a law firm, the firm said Tuesday.

## EXPERT ANALYSIS

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### The EU-US Privacy Shield: A How-To Guide

The Privacy Shield — formally adopted last week — is more flexible, more convenient and less costly than other available data transfer mechanisms. Organizations that will derive the most benefit from the Privacy Shield are those that route the majority of their EU-originating personal data from the EU to the U.S., say Lisa Sotto, leader of Hunton & Williams LLP's privacy and cybersecurity practice, and Christopher Hydak.

### IRS Ruling Is Cause For Tax-Exempt Provider Concern

A recent ruling by the IRS highlights a practical consideration that many tax-exempt providers have had with respect to their participation in accountable care organizations or other clinically integrated networks that include diverse not-for-profit and for-profit providers, causing many to pause and carefully examine their participation in such networks, say David Manko and Kate Heptig at Rivkin Radler LLP.

### How States Are Reacting To EPA's CAA Mandate

States' responses to the U.S. Environmental Protection Agency's action calling for revision of their Clean Air Act implementation plans suggest that while they are working to comply with the EPA mandate, at the same time many are attempting to build in some flexibility where there are excess emissions as a result of startup, shutdown or malfunction, say Allison Rumsey and Erika Norman at Arnold & Porter LLP.

### A Good Time For Public Cos. To Review D&O Questionnaires

A new Nasdaq rule recently approved by the U.S. Securities and Exchange Commission requires listed companies to disclose annually any compensation or other payment provided by a third party to the company's directors or director nominees in connection with their candidacy for or service on the company's board. Companies should make sure they elicit the required information from their directors and director nominees, say attorneys with Simpson Thacher & Bartlett LLP.

## LEGAL INDUSTRY

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### 3 Ways Firms Bring Out The Worst In Attorneys

Some law firms fail to promote collegiality through their policies and management, instead infusing venom into the relationships between their attorneys and dealing a fatal blow to firmwide harmony and productivity. Here, experts reveal the three biggest ways law firms unintentionally cultivate discord.

### 3 Skills You Need To Have Before Finishing Your First Year

Attorneys in their first year at a firm may get overwhelmed by trying to excel at everything, but experts say there are three essential skills newbie lawyers should focus on before finishing year one.

### Law Careers Become A Story Of Haves And Have-Nots

Becoming a lawyer is difficult for anyone, but increasing class stratification in the industry and American society is fast making entry into the profession next to impossible for young people from impoverished or less affluent backgrounds, according to a law professor.

### Wilkinson Walsh Attys Get Cravath Match, Early Bonus

Washington, D.C.-based trial boutique Wilkinson Walsh & Eskovitz PLLC is the latest firm to increase associate salaries this summer, falling in line with a new market scale set by Cravath Swaine & Moore LLP, the firm said on Monday.

### McKool Smith Taps Longtime Atty To Manage Operations

McKool Smith PC announced Tuesday that it's bringing up a longtime associate to oversee operations at the firm as its current chief operating officer, Gary Eden, moves into an advisory role.

## Beirne Maynard Folds, Attys Join Akerman, Start Own Firm

Beirne Maynard & Parsons LLP shut its doors for good on Friday as 30 of its former trial lawyers and litigators joined Akerman LLP's new Louisiana and Texas offices, and the remaining 10 attorneys opened their own firm.

## Longest-Serving Tax Court Judge Dies At 93

The longest-serving judge in the U.S. Tax Court's history, Judge Howard A. Dawson Jr., died on Friday at the age of 93, according to the court's chief judge.

## Global 20: Gibson Dunn

Gibson Dunn has been expanding its work in international transactions, especially in London and Asia, and its determination to bolster its offerings despite uncertainty around the Brexit vote and volatility in Asian financial markets has secured the firm's return to Law360's Global 20 list after a two-year absence.

### JOBS

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