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Subject: Trump Set To Take Action On Border Wall Wednesday

PUBLIC POLICY

Wednesday, January 25, 2017

TOP NEWS

Trump Set To Take Action On Border Wall Wednesday

President Donald Trump confirmed late Tuesday that he will take action on his campaign promise to build a wall along the U.S.-Mexico border with an executive order on Wednesday, following reports he would also crack down on legal immigration from certain Middle Eastern countries.

Akin Gump Keeps Top Lobbying Spot In Down Year

In a year of heated politics that nevertheless saw a chill in lobbying, Akin Gump Strauss Hauer & Feld LLP held onto the top BigLaw spot for lobbying revenue, with Brownstein Hyatt Farber Schreck LLP and Squire Patton Boggs again taking second and third, according to figures the firms released Tuesday.

Analysis

Trump's Business Handoff Won't Fix Hotel Lease Conflict

Despite recent efforts to give up control of his businesses, President Donald Trump's continued ownership interest in a company that leases a federally owned building in Washington, D.C., violates a contractual clause covering elected officials and the lease should be terminated, federal contracting experts say.

EPA Yanks Pending Regs After White House Calls For Freeze

The U.S. Environmental Protection Agency on Tuesday slammed the brakes on 30 pending regulations until they have a chance to be reviewed by an appointee of President Donald Trump, following a directive issued by White House Chief of Staff Reince Priebus.

Mnuchin Says Bank Size Should Not Determine Gov't Scrutiny

Treasury Secretary nominee Steven Mnuchin said regulation should be based on the complexity of a bank's activities rather than its size and gave a more thorough account of his views on other key regulatory issues in written responses to questions submitted by senators following his confirmation hearing last week.

Analysis

FCC's Airwaves Auction Gets Mixed Reviews

An experimental incentive auction launched by the Federal Communications Commission to clear a chunk of spectrum for wireless use is set to wrap soon, but experts say the outcome is far from a resounding success and the

LAW FIRMS

Akerman
Akin Gump
Allen & Overy
Alston & Bird
Anderson Kill
Armstrong Teasdale
Arnold & Porter Kaye Scholer
Baker McKenzie
Balch & Bingham
Ballard Spahr
Barclay Damon
Birch Stewart
Blank Rome
Boies Schiller
Bracewell
Brownstein Hyatt
Buckley King
Carter Ledyard
Chadbourne & Parke
Clifford Chance
Covington & Burling
Cravath Swaine
Davis Wright Tremain
De Brauw
Dentons
Desmarais LLP
Earthjustice
Epstein Becker Green
Erise IP
Farella Braun
Fennemore Craig
Fletcher Heald
Freshfields
Gardere Wynne Sewell

revenues for many broadcasters are well short of expectations.

House Votes To Restrict Abortion In Insurance Plans

The U.S. House of Representatives pushed through a bill Tuesday that would make restrictions on federal funding for abortions permanent, as well as removing Affordable Care Act credits and other benefits for health care plans that offer abortion care.

Nikki Haley Confirmed As Trump's Pick For UN Ambassador

South Carolina Gov. Nikki Haley won Senate confirmation decisively Tuesday as President Donald Trump's choice for U.S. ambassador to the United Nations in the fourth confirmation so far for the new administration.

Trump Budget Pick Defends Spending Stance To Senators

Partisan disagreements over tax policy, entitlement spending and regulation covering the environment and consumer protection erupted Tuesday during Senate panel hearings on President Donald Trump's pick to lead the Office of Management and Budget, Rep. Mick Mulvaney.

Analysis

Federal Hiring Freeze Could Hurt Patent Quality

President Donald Trump fulfilled a campaign pledge Monday and instituted a hiring freeze in the federal workforce, a move attorneys believe has the potential to hurt the quality of patents and hamper recent efforts by the U.S. Patent and Trademark Office to reduce a patent application backlog.

Carson's HUD Nomination Advances Out Of Senate Committee

The Senate Banking Committee on Tuesday voted unanimously to move the nomination of Dr. Ben Carson to serve as secretary of Housing and Urban Development amid concerns from some about his lack of experience in housing issues.

Trump Keeps Comey At FBI For Now; Yates Named Acting AG

President Donald Trump has not moved to immediately replace FBI Director James Comey, while Deputy Attorney General Sally Yates has been named acting attorney general, according to a U.S. Department of Justice memorandum sent to the agency's leaders on Monday.

Trump Invited To Address Congress In February

Speaker of the House Paul Ryan said Tuesday that he has invited President Donald Trump to address a joint session of Congress next month to present Republicans' "ambitious agenda" to the American people.

BANKING & SECURITIES

Bombay Stock Exchange Opens IPO, Aiming To Raise \$182M

Bombay Stock Exchange owner BSE Ltd. opened an initial public offering intended to raise \$182 million, marking India's first IPO by a domestic stock exchange, according to reports.

Philippines Sells \$2B In Bonds In Duterte's First Big Deal

The Philippines Ministry of Finance said Friday that it completed the sale of \$2 billion in bonds last week in the first international capital markets transaction for the new administration of controversial President Rodrigo Duterte.

ENERGY & ENVIRONMENTAL

Geragos & Geragos
Gibson Dunn
Godwin Bowman
Goodwin
Greenberg Gross
Greenberg Traurig
Gupta Wessler
Haight Brown
Harness Dickey
Harter Secrest
Hinshaw & Culbertson
Holland & Hart
Holland & Knight
Hunton & Williams
Jenner & Block
K&L Gates
Kacvinsky Daisak
Kanji & Katzen
Keker & Van Nest
Kelley Drye
Kilpatrick Townsend
Kinsella Weitzman
Kirkland & Ellis
Knobbe Martens
Lee & Hayes
Lippes Mathias
Littler Mendelson
Marashlian & Donahue
Martin Clearwater
Mayer Brown
McDermott Will
McDonald Hopkins
McGuire Craddock
McGuireWoods
Morgan Lewis
Morrison Mahoney
Motley Rice
Norton Rose Fulbright
Perkins Coie
Plunkett Cooney
Polsinelli
Proskauer Rose
Quarles & Brady
Reed Smith
Rhodes Hieronymus
Riker Danzig

Trump Takes Action On Keystone, Dakota Access Pipelines

President Donald Trump on Tuesday signed presidential memoranda aimed at pushing forward the Keystone XL and Dakota Access oil pipelines, controversial projects whose progress was slowed by former President Barack Obama amid fierce resistance from tribes and environmental groups.

12 Enviro Groups Ask To Join Coal Mining Stream Rules Suit

A dozen environmental groups asked a D.C. federal judge on Friday to allow them to intervene in a lawsuit brought by 13 states against the U.S. Department of the Interior challenging federal rules finalized in December aimed at minimizing harm to surface and groundwater from coal mining operations.

Utilities, Coal Co. Want To Back EPA In Air Pollution Row

A utility industry coalition and coal giant Murray Energy Corp. on Monday asked the D.C. Circuit to let them back the U.S. Environmental Protection Agency in a challenge by environmentalists claiming the agency's cross-state air pollution regulations that incorporate 2008 national ozone standards aren't stringent enough.

Enviros Defend EPA Heavy-Duty Truck Rule At DC Circ.

Environmental groups urged the D.C. Circuit on Tuesday to uphold the federal government's most recent greenhouse gas and fuel-efficiency standards for new large and heavy-duty vehicles, staunchly defending what they called sensible efforts to cut dangerous air pollution from buses and tractor-trailers.

Monsanto Product Could Cause 'Superweeds,' Enviros Say

Environmental groups are asking the Ninth Circuit to strike down the U.S. Environmental Protection Agency's approval of a new Monsanto weed killer aimed at managing weeds that have grown resistant to the ubiquitous herbicide Roundup, saying Monday that the new product could lead to "superweeds" resistant to both products.

Waters Of US Opponents Ask 6th Circ. To Wait For High Court

The National Association of Manufacturers on Monday asked the Sixth Circuit to hold in abeyance litigation over the U.S. Environmental Protection Agency's rule clarifying the scope of the Clean Water Act until the Supreme Court rules on whether the appeals court actually has jurisdiction.

Okla. Federal Judge Says Environmentalism Isn't A Religion

An Oklahoma federal judge on Monday told a pro se plaintiff that adhering to "environmentalism" doesn't count as a religion, tossing out his suit alleging that a local library's alleged failure to recycle violated his rights under the First Amendment to freely exercise a religious practice.

Coal Cos., States Urge DC Circ. To Nix New-Plant Carbon Cap

A group of states, coal companies and power trade groups told the D.C. Circuit on Monday that the U.S. Environmental Protection Agency shouldn't have been able to rely on subsidized pilot programs when it deemed carbon capture and storage as an economically viable system for reducing emissions from new coal-fired power plants, urging the court to strike down regulations based on the technology.

HEALTH & LIFE SCIENCES

Ropes & Gray

Rosenthal Rosenthal

Sandberg Phoenix

Schnader Harrison

Seyfarth Shaw

Shearman & Sterling

Sheridan Ross

Shook Hardy

Sidley Austin

Sills Cummis

Skadden

Squire Patton Boggs

Step toe & Johnson LLP

Step toe & Johnson PLLC

Sullivan & Cromwell

Troutman Sanders

Turner Padgett

Ulmer & Berne

Van Ness Feldman

Venable LLP

Weil Gotshal

Weinberg Wheeler

Whiteford Taylor

Wiley Rein

Wilkinson Walsh

WilmerHale

Wilson Sonsini

Winston & Strawn

Zuckerman Spaeder

COMPANIES

AT&T Inc.

Airbnb Inc.

Allergan PLC

Alpharma Inc.

American Bar Association

American Civil Liberties Union

American Petroleum Institute Inc

American Public Power
Association

Axis Capital Holdings Limited

BSE Limited

Burford Capital LLC

Celgene Corporation

Center for Biological Diversity Inc

Cephalon, Inc.

Citigroup Inc.

HHS Secretary Nominee Signals Shift On Anti-Fraud Audits

The U.S. Department of Health and Human Services should focus its billing audits less on verifying medical necessity and more on rooting out blatant fraud, the agency's likely next secretary said Tuesday.

Texas Judge Won't Lift Injunction Blocking Anti-Bias Rule

A Texas federal judge on Tuesday left in place an injunction blocking an Obama administration rule that bars discrimination against transgender individuals under the Affordable Care Act, shooting down the American Civil Liberties Union's request for a stay.

CLASS ACTION

Calif. Court Requires Class Actions To Name Outside Funders

The U.S. District Court for the Northern District of California on Monday posted a rule change requiring plaintiffs in proposed class, collective and representative actions to disclose any third-party funders of their litigation, issuing a more limited requirement than it initially proposed last year.

TRANSPORTATION & INFRASTRUCTURE

NHTSA Declines Advocacy Group's Emergency Brake Petition

The National Highway Traffic Safety Administration on Tuesday shot down consumer advocacy groups' request that it mandate the use of automatic emergency braking technology in new vehicles, saying it has already incentivized the installation of such equipment.

Trump's Commerce, DOT Picks Clear Senate Panel

The Senate Committee on Commerce, Science and Transportation on Tuesday approved a pair of Trump administration Cabinet selections, moving U.S. Department of Commerce nominee Wilbur Ross and U.S. Department of Transportation nominee Elaine Chao to the upper chamber for a vote.

GWB Scandal Defendants Ask Court To Postpone Sentencing

Counsel for a former public official convicted in the George Washington Bridge lane-closing trial on Monday urged a New Jersey federal court to postpone the sentencing date by slightly more than two weeks, because the defendant did not receive a copy of her draft pre-sentence report sooner.

Senate Democrats Push \$1T Infrastructure Plan

Senate Democrats proposed a \$1 trillion plan Tuesday to fix the nation's roads, bridges and highways and bolster public transit, railways, ports, and airports over the next decade, unveiling a direct federal spending plan shunning tax credits that they challenged President Donald Trump to back.

REAL ESTATE

Airbnb To Limit Portland Hosts To Single Address

Airbnb Inc. said Tuesday that it will limit hosts in Portland, Oregon, to posting listings for a single address, addressing concerns the home-sharing platform may have a negative effect on available housing stock in the city.

EMPLOYMENT

Citizens for Responsibility and Ethics in Washington
Comcast Corporation
Consumer Reports
Consumer Watchdog
Corinthian Colleges, Inc.
Credit Suisse Group AG
Culp Inc.
Deutsche Bank AG
Edelweiss Capital Ltd.
Endo International Plc
Energy Transfer Partners, L.P.
Environmental Defense Fund Inc.
Exxon Mobil Corporation
Franciscan Alliance Inc.
Friedman LLP
Goldman Sachs Group Inc.
Halliburton Company
Immigration Reform Law Institute
Impax Laboratories, Inc.
Law Practice Consultants LLC
Monsanto Company
Morgan Stanley
Murray Energy Corp.
Mylan NV
National Association of Manufacturers
National Consumer Law Center
National Stock Exchange of India Ltd.
Natural Resources Defense Council
Neota Logic Inc.
New York Times Co.
Odebrecht SA
OneWest Bank Group LLC
Perrigo Company
Planned Parenthood Federation of America
PricewaterhouseCoopers
SBI Capital Markets Ltd.
Sierra Club
Singapore Exchange Ltd.
Standard Chartered PLC
State Bar of Georgia
Tax Foundation
Teva Pharmaceutical Industries Limited

Philly Mayor OKs Law Barring Wage History Inquiries

Philadelphia Mayor Jim Kenney signed into law Monday a measure intended to address gender-based wage disparities that had been opposed by the city's chamber of commerce and Comcast Corp., making it illegal for employers to inquire about a potential employee's salary history.

Virginia Senate To Vote On Transgender Bias Protections

A Virginia state Senate subcommittee on Monday cleared for consideration by the full Senate two bills that bar public employers from discriminating against gay and transgender workers and add gender identity and sexual orientation protections to the state's fair housing act.

COMPETITION

GOP Attys Push Pro-Biz Antitrust Reforms Under Trump

Leading conservative competition lawyers gathered in Washington, D.C., Tuesday to promote a new pro-business course for antitrust agencies in the Trump administration, rallying behind calls to ease the burden of Federal Trade Commission probes and curtail civil penalties.

PRIVACY & CONSUMER PROTECTION

EU Privacy Reform Tops US Co. Priority Lists, Survey Finds

The vast majority of large U.S. multinational companies is making compliance with the European Union's sweeping data protection reform that is set to take effect in 2018 a top priority, and plans to spend more than \$1 million to get ready, according to a survey released by PricewaterhouseCoopers on Monday.

Cordray Vows To Maintain CFPB Independence Under Trump

Consumer Financial Protection Bureau Director Richard Cordray on Tuesday intimated that he will fight for agency independence and against any effort by the Trump administration to remove him from his post before it expires next year.

States Seek Inclusion In For-Profit College Case

The attorneys general of Illinois, New York, Massachusetts, Maryland, Maine and the District of Columbia on Tuesday filed a motion to intervene in a federal lawsuit against the Accrediting Council for Independent Colleges and Schools, which accredits for-profit colleges.

INTERNATIONAL TRADE

Trump's Election Puts TTIP 'In The Freezer': EU Trade Boss

European Union Trade Commissioner Cecilia Malmstrom on Tuesday said that the election of President Donald Trump has likely put the Transatlantic Trade and Investment Partnership talks "firmly in the freezer" for now, and laid out her vision for new negotiating agenda.

Commerce Adjusts Duties On Truck, Bus Tires From China

The U.S. Department of Commerce Monday issued final anti-dumping and countervailing duties on truck and bus tires from China, trimming back some preliminary dumping rates imposed over the summer while increasing the subsidy-based duty.

TAX

The Center for Auto Safety
TransCanada Corporation
Trump Organization Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
UBS AG
Union of Concerned Scientists
United Steelworkers
Valeant Pharmaceuticals
International
Verizon Communications
VimpelCom Ltd.
Warner Chilcott Limited
Washington Post Co.
Wells Fargo & Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and
Immigration Services
California Environmental
Protection Agency
Centers for Medicare & Medical
Services
Central Intelligence Agency
Colorado Department of Revenue
Consumer Financial Protection
Bureau
Department of Commerce
Executive Office for Immigration
Review
Executive Office of the President
Federal Bureau of Investigation
Federal Communications
Commission
Federal Deposit Insurance Corp.
Federal Reserve System
Federal Trade Commission
Financial Crimes Enforcement
Network
Financial Stability Oversight
Council
Fish and Wildlife Service
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
International Trade Commission

Judge Sides With NY Govt. In Tribal Cigarette Tax Dispute

A New York federal judge on Monday struck down a challenge to a state law regulating cigarette sales taxes, finding that the law does not hamper the tribal sovereignty of the Seneca Nation of Indians and the Cayuga Indian Nation.

Mnuchin Vague On Tax Policy, Cuts For Wealthy

President Donald Trump's tax reform plans remain vague after Treasury Secretary nominee Steven Mnuchin offered few concrete details in written responses to lawmaker questions, frequently promising merely to work with Congress and avoiding direct responses on matters such as potential tax cuts for the wealthy.

IMMIGRATION

USCIS Naturalization Software Too Error-Prone, Report Says

The Department of Homeland Security's Office of the Inspector General has issued an urgent recommendation that the U.S. Citizenship and Immigration Services refrain from reinstating its automated system for processing naturalization applications because it is likely to skip certain security requirements, the office announced Monday.

WashTech Urges DC Circ. To Toss 91 Percent Fee Reduction

A technology workers union urged the D.C. Circuit in an opening brief Monday to reverse a district court order that reduced its requested attorneys' fees by 91 percent after it won a rule challenge against the U.S. Department of Homeland Security over work requirements for student visa holders.

NATIVE AMERICAN

Judge Won't Rethink Quick-Win Denial In Tribe's Casino Fight

A federal judge refused Monday to reconsider his denial of the Tohono O'odham Nation's bid for a quick win in a suit against the Arizona gambling department's head over the tribe's right to offer Las Vegas-style gambling near Phoenix, saying the latest arguments constituted nothing new.

TELECOMMUNICATIONS

House Dems Want Bipartisanship, Candor From New FCC

A pair of Democratic U.S. representatives on Monday asked the new Federal Communications Commission chairman — Republican Commissioner Ajit Pai — to commit to keeping Congress in the loop, taking a bipartisan leadership approach and avoiding retaliation efforts against FCC employees based on their previous work.

Pai Vows To Tackle 'Digital Divide' As New FCC Chief

Bridging the "digital divide" between Americans will be the one of the top priorities for newly minted Federal Communications Commission Chairman Ajit Pai, he said Tuesday in his first substantive policy remarks since President Donald J. Trump tapped him to lead the agency.

EXPERT ANALYSIS

FCPA Expectations Under President Trump

NAFTA

National Highway Traffic Safety Administration

National Park Service

New York Attorney General's Office

Office of Foreign Assets Control

Office of the Federal Register

Port Authority of New York & New Jersey

Securities and Exchange Commission

Seneca Nation of Indians

Standing Rock Sioux Tribe

Tohono O'odham Nation

Transportation Security Administration

U.S. Army

U.S. Census Bureau

U.S. Department of Agriculture

U.S. Department of Education

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

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Office of Personnel Management

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

United Nations

We are on the lookout for three signs that the Trump administration will enact changes in Foreign Corrupt Practices Act enforcement, say Roderick Thomas and Colin Cloherty of Wiley Rein LLP.

[A Return To Republican Antitrust Policies For Pharma](#)

We expect the change in pharmaceutical antitrust enforcement from the Obama administration to the Trump administration will most likely resemble that of the Bush administration vis-a-vis the Clinton administration — a continued focus on enforcing antitrust laws, but a decrease in volume in exchange for enhanced attention on specific regulatory objectives, say attorneys with Wilson Sonsini Goodrich & Rosati PC.

[Native American Recognition In Newfoundland: Part 1](#)

On Jan. 31, tens of thousands of applicants expect to be denied membership to the Qalipu Mi'kmaq First Nation Band because they do not meet the now stringent membership criteria. Applicants' concerns include heightened and sometimes double standards, the unforgiving point system and the composition of the enrollment committee, says Stephen Anstey of Kilpatrick Townsend & Stockton LLP.

[Taxing Marijuana: A Hazy Issue For Municipal Bankruptcy](#)

Recent court holdings that marijuana businesses are barred from federal bankruptcy protection may pose a serious problem for fiscally distressed municipalities looking for Chapter 9 relief — specifically those that tax marijuana sales, says Katherine Lewis of Weil Gotshal & Manges LLP.

LEGAL INDUSTRY

[How To Convince Risk-Averse Partners To Invest Big](#)

One major difference between law firms that lag behind on innovation and those that remain on the cutting edge is the willingness of their partners to make big investments in the future. Here, leaders at law firms that have led major innovation efforts explain how they made it happen.

[Law360 Names Attys Who Moved Up The Firm Ranks In Q4](#)

A promotion to partner or election to practice group chair means lots of well-deserved recognition within a firm and in the larger legal community. Law360 reveals the list of attorneys whose commitment to excellence earned them highly coveted spots in the law firm leadership ranks. Find out if your old legal friends — or rivals — moved up in the fourth quarter of the year.

[Wilson Sonsini Matches Cravath Associate Bonuses](#)

Palo Alto, Calif.-based Wilson Sonsini Goodrich & Rosati has offered its associates lockstep merit bonuses on par with the elite New York firms, ranging from \$15,000 to \$100,000, an internal memo published online Tuesday shows.

[PACER Users Win Class Certification In Fee-Challenging Suit](#)

A Washington, D.C., federal judge on Tuesday certified a class of potentially hundreds of thousands of PACER users in three nonprofit groups' suit alleging the government is illegally making a profit on the court records service, ruling nonprofits can adequately represent all PACER users.

[Some Circuits Handle Big Caseloads Better, Paper Says](#)

U.S. appeals courts' ability to deal with increased caseloads can differ

greatly, at times negatively impacting the quality of legal review within certain circuits, a law professor contended in a recent academic paper that suggested an overhaul of the system may be in order.

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