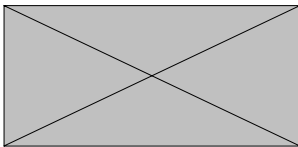


To: SOL-Associate & Regional Solicitors[sol-associateregionalsolicitors@sol.doi.gov]; SOL-Assistant & Field Solicitors[sol-assistantfieldsolicitors@sol.doi.gov]; Jorjani, Daniel[daniel.jorjani@sol.doi.gov]; Jack Haugrud[jack.haugrud@sol.doi.gov]; Joshua Campbell[joshua.campbell@sol.doi.gov]; Gary Lawkowski[gary.lawkowski@sol.doi.gov]; Goeken, Richard[richard.goeken@sol.doi.gov]
From: Caminiti, Mariagrazia
Sent: 2017-10-30T10:27:29-04:00
Importance: Normal
Subject: Fwd: Trump Admin Eyes Looser Limits On ACA Essential Benefits
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From: **Public Policy Law360** <news-q@law360.com>
Date: Mon, Oct 30, 2017 at 4:44 AM
Subject: Trump Admin Eyes Looser Limits On ACA Essential Benefits
To: mariagrazia.caminiti@sol.doi.gov



PUBLIC POLICY.

Monday, October 30, 2017

TOP NEWS

Trump Admin Eyes Looser Limits On ACA Essential Benefits

The Trump administration on Friday proposed new leeway for states to determine coverage of “essential health benefits” in Affordable Care Act plans, addressing a key issue targeted by the failed ACA repeal effort. [Read more »](#)

Justice Ginsburg On Her Feminist Path To The Notorious RBG

When a 21-year-old Ruth Bader was getting ready to marry her fellow Cornell University classmate Marty Ginsburg in 1954, her mother pulled her aside and gave the future U.S. Supreme Court justice some unsolicited advice about marriage. [Read more »](#)

Wash. Judge Won't Halt Trump's 3rd Travel Ban

A Washington federal court on Friday refused to block the most recent iteration of President Donald Trump's travel ban from going into effect, saying Hawaii's temporary restraining order provides the desired relief, and declined to lift the stay on a suit by six states challenging the initial travel ban. [Read more »](#)

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Bracewell
Broad and Cassel
Brown Rudnick
Buckley Sandler
Cleary Gottlieb
Cooley
Covington & Burling
Cullen & Dykman
DLA Piper
Dewey & LeBoeuf

Treasury Says Bank Rules Shouldn't Apply To Asset Managers

The U.S. Department of the Treasury on Thursday said asset managers and insurers should not be subjected to stress testing and other rules banks follow, and instead should have their trading and other activities regulated. [Read more »](#)

Stalled Pentagon Picks To Move Forward, GOP Sens. Say

The full Senate is expected to vote next week on President Donald Trump's nominee to serve as deputy chief management officer for the Department of Defense, and the Armed Services Committee is also expected to hold a nomination hearing for four other DOD picks, Senate Republicans said Friday. [Read more »](#)

Analysis

'Cost of Carbon' Calculus Key To Trump's Reg Rollback Push

One of the keys to the Trump administration's efforts to undo former President Barack Obama's climate change legacy has been to alter the way the government calculates the future cost of carbon emissions, a move that dramatically alters regulatory cost-benefit analyses. [Read more »](#)

BANKING & SECURITIES

SEC Owes \$15B After Kokesch Bars Disgorgement, Suit Says

A liquidation trustee's suit filed in Massachusetts federal court on Thursday says the U.S. Supreme Court's recent Kokesch decision didn't just limit the ability of the U.S. Securities and Exchange Commission to win disgorgement of ill-gotten gains, but destroyed it, and seeks almost \$15 billion from the agency. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Sue-And-Settle Shift Foils Drilling Waste Deal, ND Says

U.S. Environmental Protection Agency Administrator Scott Pruitt's recent announcement that the agency would curb so-called sue-and-settle agreements boosts North Dakota's bid to appeal a consent decree in which the EPA agreed to review and potentially update drilling waste disposal rules, the state told the D.C. Circuit on Thursday. [Read more »](#)

Enviros Slam Trump's Promise To Hatch To Shrink Bears Ears

In the wake of reports that President Donald Trump promised Republican Sen. Orrin Hatch, R-Utah, that he would shrink Bears

Drinker Biddle
 Earthjustice
 Faegre Baker
 Frankfurt Kurnit
 Greenberg Traurig
 Haglund Kelley LLP
 Holland & Knight
 Jenner & Block
 Jones Day
 Katten Muchin
 King & Spalding
 Kirkland & Ellis
 Lawyers' Committee for Civil Rights
 LeClairRyan
 Mayer Brown
 Meyer Capel
 Morgan Lewis
 Morrison & Foerster
 Norton Rose Fulbright
 O'Melveny & Myers
 Parker Hudson
 Perkins Coie
 Phillips & Cohen LLP
 Quarles & Brady
 Quinn Emanuel
 Rutledge Ecenia
 Schwabe Williamson
 Seiger Gfeller
 Seyfarth Shaw
 Sidley Austin
 Skadden
 Squire Patton Boggs
 Steptoe & Johnson LLP
 Stoel Rives
 Strasburger & Price
 Stris & Maher
 Sullivan & Cromwell
 Thompson Coburn
 Thompson Hine
 Tyson & Mendes
 Venable LLP
 Wiley Rein

Ears National Monument, environmental groups criticized the move and said they would sue if the president took action. [Read more »](#)

9th Circ. Urged To Call Off Extra Water For Threatened Fish

The federal government, two states, two tribes and others urged the Ninth Circuit on Thursday to overturn a lower court ruling that the government must boost water spill and monitoring at a series of dams along the Columbia and Snake rivers to help imperiled fish, arguing that an Oregon district judge abused his discretion in ordering the water releases. [Read more »](#)

HEALTH & LIFE SCIENCES

2 Alabama Abortion Laws Deemed Unconstitutional

An Alabama federal judge on Thursday found that state laws banning abortion clinics near schools and the most common method of second-trimester abortions are unconstitutional and permanently stopped them from going into effect. [Read more »](#)

Judge Bars Emergency Rules On Nursing Home Generators

A Florida judge blocked emergency rules implemented after Hurricane Irma requiring nursing facilities to install backup generators, finding on Friday the state failed to prove a qualified emergency situation and the remedies could not be implemented by the Nov. 15 deadline. [Read more »](#)

MEDIA & ENTERTAINMENT

FCC To Vote On Rolling Out Next-Gen TV Broadcasts

The Federal Communications Commission will vote next month on whether to allow broadcasters to begin using the next-generation TV broadcast standard, according to a draft item released late Thursday. [Read more »](#)

INSURANCE

Analysis

Biz Turns To Feds For Certainty On Automated Truck Rules

The commercial trucking industry is urging the federal government to draft performance and technical specifications for automated and connected trucks in order to preclude potentially conflicting rules from states, a preemptive move meant to lock in legal certainty surrounding the fast-evolving technology, experts say. [Read more »](#)

EMPLOYMENT

COMPANIES

American Bar Association
 American Civil Liberties Union
 American Trucking Associations Inc.
 Association of Corporate Counsel
 BlackRock
 Boston Scientific Corporation
 CSP Inc.
 Center for American Progress
 Center for Strategic and International Studies
 Chicago Bulls
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 Digital Realty Trust Inc.
 Expedia Inc.
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 Facebook
 FedEx Corporation
 General Electric Company
 Goldman Sachs Group Inc.
 Google Inc.
 HSBC Holdings PLC
 International Game Technology PLC
 Johnson & Johnson
 Lawyers' Committee for Civil Rights Under Law
 LeadingAge
 Lowe's Companies, Inc.
 Microsoft Corporation
 National Association of Broadcasters
 National Wildlife Federation
 Natural Resources Defense Council
 New York University
 Oil States International Inc.
 PepsiCo Inc.
 Raytheon Company
 SAP AG

Mass. Court OKs Rejecting Job-Seeker Over Conn. Polygraph

The Massachusetts Appeals Court held Friday that a state law blocking employers from subjecting applicants to lie detector tests does not forbid the city of Worcester from declining to hire a man based in part on a lie detector test he took when seeking employment in Connecticut. [Read more »](#)

COMPETITION

DOJ's Antitrust Chief Preaches Balance In First Speech

The recently confirmed head of the U.S. Department of Justice's Antitrust Division, Makan Delrahim, gave his first public remarks in his new role on Friday, saying the agency will strive to strike a balance between liberty and effective competition enforcement under his leadership. [Read more »](#)

Brazil's Antitrust Watchdog Finds Taxi Cos. Didn't Harm Uber

Brazil's antitrust watchdog on Friday announced the conclusion of an investigation into lawsuits, violence and threats against Uber drivers and their passengers by members of the taxi industry, finding insufficient evidence of anti-competitive conduct. [Read more »](#)

GOVERNMENT CONTRACTS

Zinke Denies Role In Puerto Rico Contract Amid FEMA Probe

Federal Emergency Management Agency officials on Friday said they would investigate the \$300 million contract Puerto Rico's municipal utility inked with a company from Secretary of Interior Ryan Zinke's hometown for repairing the island's hurricane-damaged electric grid, while Zinke angrily denied any involvement in the increasingly scrutinized deal. [Read more »](#)

Lawmakers Probe Mont. Energy Firm's Deal With Puerto Rico

Congressional leaders made their suspicions known Thursday about a \$300 million contract to restore Puerto Rico's power in the aftermath of Hurricane Maria, work that was awarded to a fledgling company from U.S. Secretary of Interior Ryan Zinke's hometown. [Read more »](#)

INTERNATIONAL TRADE

US, India Wrap High-Profile Trade Summit With Few

SIFMA

Sam's Club

Sierra Club

TPG Capital

Teva Pharmaceutical Industries Limited

The Boeing Company

Twitter Inc.

U-Haul International Inc.

U.S. Bancorp

U.S. Chamber of Commerce

Uber Technologies Inc.

United Nations Commission on International Trade Law

Westinghouse Electric Corp.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Centers for Medicare & Medicaid Services

Central Intelligence Agency

Confederated Salish & Kootenai Tribes

Congressional Research Service

Department of Commerce

Equal Employment Opportunity Commission

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Emergency Management Agency

Federal Reserve System

Financial Stability Oversight Council

Food and Drug Administration

Government Accountability Office

Internal Revenue Service

Kootenai Tribe of Idaho

Results

The U.S. and India have concluded their first Trade Policy Forum of the Trump administration without agreement on any major issues but with a commitment to “redoubling efforts” across all areas of trade policy cooperation at future meetings. [Read more »](#)

Brexit Prompts Belgium To Establish English-Language Court

The Belgian government on Friday said it will establish an English-speaking business court to handle an increase in cross-border cases from international companies in the wake of Brexit. [Read more »](#)

NATIVE AMERICAN

Texas AG Says Indian Child Welfare Act Is Unconstitutional

The state of Texas and a foster family have sued the U.S. government over a federal law they say unconstitutionally dictates rules for adoption and custody cases involving Native American children. [Read more »](#)

TAX

Analysis

IRS Neutrality May Suffer Under New IRS Head's Dual Role

The appointment of Treasury official David Kautter to the role of interim IRS Commissioner is raising concerns about how the revenue agency can remain neutral while he carries out his existing duties to guide politically directed tax policy changes. [Read more »](#)

Biz Tax Cuts Would Boost GDP, White House Study Says

The White House on Friday released a report saying that changes to the corporate tax code under a framework pushed by congressional Republicans will boost the country's gross domestic product by 3 to 5 percent, though a nonpartisan think tank has said such measures could ultimately slow economic growth. [Read more »](#)

IMMIGRATION

ACLU's Class Cert. Hopes For Detained Immigrant Teens Dim

A California federal judge said Friday he's not inclined to certify a class of ACLU-represented immigrant teens who claim they're illegally detained in jail-like conditions and denied counsel based on unsubstantiated allegations of gang activity, but he said the government's “arrest first, ask questions later” practice may be

National Highway Traffic Safety Administration
National Marine Fisheries Service
National Security Council
Nez Perce Tribe
Occupational Safety and Health Administration
Office of the Comptroller of the Currency
Securities and Exchange Commission
Texas Department of Agriculture
U.S. Army
U.S. Attorney's Office
U.S. Department of Agriculture
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 State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court

unconstitutional. [Read more »](#)

Gov't Wrongfully Nixed Woman's DACA Renewal, Says ACLU

The American Civil Liberties Union on Thursday told a Georgia federal court the Trump administration wrongfully revoked the Deferred Action for Childhood Arrivals status and work authorization for a Mexican native, and denied her request to renew her status in violation of her due process rights. [Read more »](#)

Challenge To Refugee Limits Allowed Into Travel Ban Case

A D.C. federal judge agreed Friday to allow a brief into a travel ban case that challenges refugee restrictions against nine countries, despite the Trump administration claiming the groups bringing the suit hadn't followed the proper steps. [Read more »](#)

DHS Urged To Extend Protected Status For 3 Countries

The U.S. Chamber of Commerce penned a letter Thursday asking the U.S. Department of Homeland Security to continue a designation known as "temporary protected status" for the countries of Haiti, Honduras and El Salvador, citing concerns about work authorization ending for employees. [Read more »](#)

TELECOMMUNICATIONS

Lifeline Reforms Coming Down Pike In Nov., FCC Says

The Federal Communications Commission revealed a series of wide-ranging reforms late Thursday, scheduled for consideration at the agency's November meeting, that are poised to alter the way Lifeline subsidy support is awarded and disbursed. [Read more »](#)

CONSUMER PROTECTION

Texas Agriculture Dept. Asks AG To Weigh In On 'BBQ Bill'

The Texas Department of Agriculture has asked the state's attorney general to weigh in on a debate over its interpretation of the "BBQ Bill," which exempts certain restaurants from requirements for commercial scales, after many criticized the department's interpretation of the new law as unfair to restaurants that take take-out orders. [Read more »](#)

WHITE COLLAR

Whistleblower Protections Here To Stay, Expert Says

No matter how the U.S. Supreme Court rules on a closely watched case challenging the Dodd-Frank Act's ban on retaliation against

whistleblowers, reprisals against employees who report internal violations of securities regulations will remain illegal, a white-collar attorney and former U.S. Securities and Exchange Commission official said Thursday. [Read more »](#)

NJ Lawmaker Sues AG For Docs In Whistleblower Case

A New Jersey lawmaker sued Attorney General Christopher S. Porrino on Thursday in New Jersey state court in a bid for documents related to a settled whistleblower case filed by a former prosecutor who alleged he was fired for complaining that a public corruption indictment was dropped for political reasons. [Read more »](#)

PEOPLE

US Atty Boente To Resign Once Trump Picks Replacement

Dana Boente, the U.S. Attorney for the Eastern District of Virginia who has temporarily filled several high-level vacancies at the U.S. Department of Justice, announced on Friday that he will resign once his successor is confirmed. [Read more »](#)

Ex-Prosecutor Turned Twitter Pundit Jumps Into Ill. AG's Race

A former federal prosecutor whose tweets explaining the law behind the investigation into potential ties between the Trump administration and Russia have made him a media darling will parlay his new status into a run for Illinois attorney general, he announced Thursday. [Read more »](#)

Trump Taps FedEx Safety Exec To Head OSHA

President Donald Trump has picked a top FedEx safety official to serve as the next head of the Occupational Safety and Health Administration, the White House announced Friday. [Read more »](#)

EXPERT ANALYSIS

Leveraged Loan Decision Could Have Broad Consequences

The U.S. Government Accountability Office's recent finding that the federal banking agencies' 2013 interagency guidance on leveraged lending is a "rule" subject to the Congressional Review Act may greatly expand the scope of supervisory guidance that could be challenged, say attorneys with Cleary Gottlieb Steen & Hamilton LLP. [Read more »](#)

What Companies Should Know About TSCA Consent Orders

The U.S. Environmental Protection Agency's use of consent orders under the Toxic Substances Control Act and the significant new use

rules that follow are catching companies off guard as they cascade through the supply chain. Martha Marrapese of Wiley Rein LLP explains considerations that go into negotiating consent orders for new chemicals and the requirements that flow from them. [Read more »](#)

Opinion

Despite Good Intentions, IPR Clashes With Hatch-Waxman

Congress thought it was fixing the problem of patent trolls when it created the inter partes review process in 2011, but this law conflicts with the Hatch-Waxman Act. Congress should get rid of the IPR process and instead give the U.S. Patent and Trademark Office the tools it needs to issue only valid patents in the first place, says Anthony Caso of Chapman University. [Read more »](#)

Recipe For Legal Project Management: Look To BBQ Champs

As a master certified barbecue judge with the Kansas City Barbeque Society, I have noticed that the top pitmasters follow a consistent process in approaching each and every competition. Their "secret sauce" — employing project management principles — can also help lawyers achieve success, says Anthony Rospert of Thompson Hine LLP. [Read more »](#)

LEGAL INDUSTRY

5 Reasons Why Legal Depts Should Have Pro Bono Services

Although in-house counsel don't necessarily use pro bono work to increase business the way law firms do, experts say that legal departments should invest in the service not only because it's ethical, but also because there are both personal and career-building benefits from giving free legal support. Here, experts tell Law360 why corporate legal departments should take pro bono representation seriously. [Read more »](#)

Top Dewey Cooperator Gets No Prison Time For Fraud

The former finance director of Dewey & LeBoeuf LLP and star cooperating witness in the two criminal trials of the failed law firm's top executives over a purported accounting fraud scheme was sentenced on Friday to no prison time, and instead was ordered to perform community service. [Read more »](#)

Up Next At High Court: Filing Deadlines, Ch. 11 Cramdowns

The U.S. Supreme Court returns to the bench this coming week for the second oral argument session of the 2017-18 term, taking on a key question for plaintiffs who attach state law claims to lawsuits filed in federal court and a thorny legal issue for "cramdown" Chapter 11 bankruptcy proceedings. Here, Law360 highlights what to look out for. [Read more »](#)

Uber Scores Tony West For General Counsel From PepsiCo

Uber Technologies Inc. has hired as its chief legal officer Tony West, general counsel of PepsiCo and a former senior Justice Department official. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

The U.S. House of Representatives voted to restrict policymaking through settlements, the U.S. Supreme Court officially dismissed plans to hear the final challenge to an earlier version of President Donald Trump's travel ban, and the U.S. Securities and Exchange Commission's chair said the agency is looking to be more efficient and secure with its data. These are some of the top stories in corporate legal news you may have missed last week. [Read more »](#)

Podcast

Law360's Pro Say: The High Court's Big Digital Privacy Cases

On the latest episode of Law360's Pro Say podcast, we're joined by Supreme Court veteran Andy Pincus who breaks down two big privacy cases the high court is hearing this term. We'll also discuss a copyright case over illegal downloading; offer updates to several stories from previous episodes; and weigh in on Johnny Depp's latest legal action - against his own lawyers. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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Drinker Biddle
Earthjustice
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Frankfurt Kurnit
Haglund Kelley LLP
Holland & Knight
Jenner & Block
Jones Day
Katten Muchin
King & Spalding
Kirkland & Ellis
Lawyers' Committee for Civil Rights
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O'Melveny & Myers
Parker Hudson
Perkins Coie
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Quarles & Brady
Quinn Emanuel
Rutledge Ecenia
Schwabe Williamson
Seiger Gfeller
Seyfarth Shaw
Sidley Austin
Skadden
Squire Patton Boggs
Steptoe & Johnson LLP
Strasburger & Price
Stris & Maher
Sullivan & Cromwell
Thompson Coburn
Thompson Hine
Tyson & Mendes

Venable LLP

Wiley Rein

COMPANIES

American Civil Liberties Union

Uber Technologies Inc.

American Bar Association

New York University

Teva Pharmaceutical Industries Limited

American Trucking Associations Inc.

Association of Corporate Counsel

BlackRock

Boston Scientific Corporation

CSP Inc.

Center for American Progress

Center for Strategic and International Studies

Chicago Bulls

Daimler AG

Digital Realty Trust Inc.

Expedia Inc.

F-Squared Investment Management LLC

FCA US LLC

Facebook

FedEx Corporation

General Electric Company

Goldman Sachs Group Inc.

Google Inc.

HSBC Holdings PLC

International Game Technology PLC

Johnson & Johnson

Lawyers' Committee for Civil Rights Under Law

LeadingAge

Lowe's Companies, Inc.

Microsoft Corporation

National Association of Broadcasters

National Wildlife Federation

Natural Resources Defense Council

Oil States International Inc.

PepsiCo Inc.

Raytheon Company

SAP AG

SIFMA

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Marigrace Caminiti

Executive Assistant to the Solicitor
US Department of the Interior
1849 C Street, NW, Rm. 6352
Washington, DC 20240
202 208 4423 main number
202 208 3111 direct
202 208 5584 fax
202 528 0486 or 202 359 2949 cell/wcell

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