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Venable attorneys produce periodic alerts and newsletters covering a variety of topics and practice areas. For your convenience, we have assembled below a collection of the latest alerts and newsletters from April 2014.



Equal Pay: Revisiting Federal Contractor Compensation Practices and Policies

On April 8, 2014, President Barack Obama signed an [Executive Order](#) and a [Presidential Memorandum](#) intended to engender pay equality for women and minorities. The Order prohibits federal contractors that generally have contracts exceeding \$10,000 from retaliating against employees who choose to discuss their compensation. The Memorandum directs the Department of Labor to propose a rule requiring federal contractors and subcontractors to submit summary compensation data to the DOL, including data categorized by sex and race. The data, write Venable attorneys [Rebecca E. Pearson](#), [Megan H. Mann](#), [Melanie Jones Totman](#), [Christina K. Kube](#), [Elizabeth A. Buehler](#), and [Anna E. Pulliam](#), will be used to develop tools to enhance both voluntary compliance with and enforcement of federal Equal Pay and Civil Rights laws. The DOL must issue the rule within 120 days.

[Click here](#) for details on President Obama's pay equality reforms.

Legal Considerations for E-Commerce Businesses

Nearly all companies now use online or mobile websites and/or social media network pages to promote their businesses, sell goods or services, conduct business transactions, and connect and communicate with customers, clients, or other businesses. While these "e-commerce businesses" confront a variety of the same legal issues faced by traditional brick-and-mortar companies, they also must manage other challenges that are unique to conducting business operations and transactions in an electronic environment. The range of legal issues to consider and manage continues to grow, write Venable attorneys [Armand J. \(A.J.\) Zottola](#) and [Robert F. Parr](#), and ignoring this reality could lead to financial liability, regulatory penalties, or unauthorized exploitation of company intellectual property.

[Click here](#) for a list of potential legal issues to consider in connection with minimizing the risks associated with operating an e-commerce business.

FTC and DOJ Issue Antitrust Policy Statement on Sharing Cybersecurity Information

On April 10, 2014, the Federal Trade Commission and Department of Justice issued a policy statement clarifying that the Agencies "do not believe that antitrust is – or should be – a roadblock to legitimate cybersecurity information sharing." But while the policy statement may help to alleviate some concerns that private sector organizations have voiced regarding obstacles to information sharing, it may not go far enough to encourage substantially more. In addition, write Venable attorneys [Lisa Jose Fales](#), [Robert P. Davis](#), and [Jason R. Wool](#), it does not provide liability protection or a "safe harbor," which has been a primary driver of corporate support for some information sharing legislation to date.

[Click here](#) to read how the policy statement could be an important step towards achieving a truly robust cyber-threat sharing ecosystem.

Regulatory and Tax Issues Posed By Convertible Virtual Currencies

And the answer is – Property.

Not surprisingly, the question is how Convertible Virtual Currencies (CVCs) such as Bitcoin should be classified for tax purposes. Given the treatment of CVCs by the Financial Crimes Enforcement Network in [FIN-2013-G001](#), it is not surprising, write Venable attorneys [Charles K. Kolstad](#) and [D. E. Wilson, Jr.](#), that the Internal Revenue Service also concluded that CVCs constitute property in the recently released [IRS Notice 2014-21](#).

[Click here](#) for details on how the implications of this on U.S. users of CVCs are immediate and potentially very expensive.

The Second Circuit Clarifies the Presumption against Extraterritoriality in *European Community v. RJR Nabisco, Inc.*

On April 23, 2014, the Second Circuit issued an opinion that could be straight from a modern international-spy novel, write Venable attorneys [Matthew T. McLaughlin](#) and [David N. Cinotti](#). *European Community v. RJR Nabisco, Inc.* involves Colombian and Russian cartels, drug smuggling and money laundering, and a suit by the European Community against U.S. tobacco companies under the federal RICO statute.

[Click here](#) to read how the Second Circuit applied and clarified the presumption against extraterritoriality of U.S. statutes in the context of a complex conspiracy to allegedly turn drug proceeds into profits for cigarette makers.

Clean Water Act Jurisdiction Proposed Rule Released: Would Expand Federal Jurisdiction over Streams and Wetlands

After several years of false starts, the Environmental Protection Agency and U.S. Army Corps of Engineers have released their proposed rule, [Definition of 'Waters of the United States' Under the Clean Water Act](#), which identifies the waters that are jurisdictional under the federal Clean Water Act. This proposed rule would codify the Administration's view that CWA jurisdiction is broad and expansive. The proposal, writes Venable attorney [Margaret N. Strand](#), has unleashed a flurry of action, both criticizing and supporting the rule, which shows no sign of abating.

[Click here](#) for a summary of the key points of the proposal.

New DOI Strategy for Mitigation Offers Some Promise and Many Unanswered Questions

On April 10, 2014, Secretary of the Interior Sally Jewell released the Department of the Interior's new strategy to implement mitigation policies and practices that will more effectively encourage infrastructure development while protecting natural and cultural resources. Venable attorneys [Margaret N. Strand](#), [Kathryn Kusske Floyd](#), [Gregory S. Braker](#), [Thomas M. Langan](#), [Amy J. McMaster](#), [Jay C. Johnson](#), [Allison D. Foley](#), [Margaret K. Kuhn](#), and [Laura E. Boorman](#) write that DOI's overarching goal is to identify high-value resources and conservation priorities on a regional basis so that developers can plan projects more effectively from the outset.

[Click here](#) to continue reading.

Upcoming Events

SEC's OCIE Exam Issue for Middle-Market Private Equity Funds - ACG Webinar

Wednesday, May 7, 2014 | 2:00 p.m. - 3:00 p.m. ET

The Association for Corporate Growth is offering a unique opportunity for middle-market private equity fund professionals to interact with top members of the Securities and Exchange Commission's Office of Compliance Investigation and Examinations (OCIE) - the division responsible for conducting examinations of private equity funds.

[Click here for more information and to register.](#)

What's Ahead for 2015: Preparing Your Group Health Plan for the Employer Mandate

Wednesday, May 14, 2014 | 12:00 p.m. - 2:00 p.m. ET

Now that the IRS has issued final regulations relating to the employer mandate, group health plan sponsors can start preparing for next year. These "play-or-pay" rules come with a series of complicated decisions and potential pitfalls for plan sponsors to consider. Please join us and learn how to avoid costly mistakes with proper advance planning.

[Click here for more information and to register.](#)

Surviving a Governmental Investigation without a Black Eye: Key Legal, Communications and Crisis Response Considerations for Nonprofits

Tuesday, May 20, 2014 | 12:00 p.m. - 2:00 p.m. ET

Governmental investigations of nonprofits are increasingly common and can take many forms and come from many places: Congressional, federal and state agencies (both civil and criminal), and IRS audits of tax-exempt status, to name a few. And, as many nonprofits can attest, it is far from just the bad actors that get investigated.

Hear from a panel that has guided many nonprofits (and for-profits) successfully through crises and understands how to help navigate everything from very public and intrusive governmental investigations to the most vitriolic social media activity. They will discuss effective, proven strategies for interacting with investigators, preparing and packaging documents and information to be produced, prepping witnesses, conducting internal investigations, communicating with the media, reaching out to stakeholders, shoring up outside support, special considerations when federal or state funds are involved, what disclosure may be required on IRS information returns, and protecting the organization's reputation. This is a program you will want to attend before your nonprofit becomes the target of an investigation, not after.

[Click here for more information and to register.](#)

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