



## Issue Editor:

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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 July 2014.



## Draft Forms Released for the Affordable Care Act's Health Coverage Reporting Requirements

The Affordable Care Act (ACA) imposes new reporting requirements on employers and insurance companies offering health coverage write Venable attorneys [Harry I. Atlas](#), [Thora A. Johnson](#), and [Laura A. Taylor](#). Last week, the IRS released drafts of the four forms that will be used by employers and insurers to make these reports beginning in early 2016 for the 2015 calendar year.

[Click for an overview of the reporting requirements.](#)

## FINRA Targets Broker-Dealer Order Routing and Execution Quality of Customer Orders

The Financial Industry Regulatory Authority (FINRA) has initiated a potentially impactful examination of broker-dealer order routing and execution write Venable attorneys [Michael R. Manley](#), [D. E. Wilson, Jr.](#), [Michael J. Rivera](#), and [Andrew E. Bigart](#). FINRA recently issued a targeted examination letter, *Order Routing and Execution Quality of Customer Orders*, to about ten broker-dealers requesting information on how they route customer orders (the audit targets were identified through FINRA's Order Audit Trail System).

[Click to find out what this means for the broker-dealer industry.](#)

## Potential West Coast Port Labor Disruptions Loom Large for Importers and Exporters, Including Those of FDA-Regulated Products

On July 1st, the contract between the International Longshore and Warehouse Union (ILWU) and the Pacific Maritime Association (PMA) officially expired, increasing the potential of a work stoppage and cargo disruption at West Coast ports. Two months ago, the parties began contract negotiations to renew their six-year agreement and/or hopefully progress far enough to prevent any form of work stoppage. Venable attorneys [Ashley W. Craig](#), [Matthew R. Rabinowitz](#), [Amanda C. Blunt](#), [Elizabeth K. Lowe](#), [Todd A. Harrison](#), [Claudia A. Lewis](#), [Michelle C. Jackson](#), and [Heili Kim](#) write that while ports continue to operate as scheduled, U.S. Customs and Border Protection (CBP) recently issued guidance to help industries prepare for the possible diversion of vessels and cargo.

[Click to read about the international implications of these labor disputes.](#)

## Is CBP Signaling a Renewed Enforcement Interest in the First Sale Rule?

With importers increasingly relying on the use of the multi-tier "first sale" to a middleman for value declarations, U.S. Customs and Border Protection (CBP) is reminding the trade community that audits are well within their jurisdiction and that penalties may ensue for anyone misusing or abusing the rule, write Venable attorneys [Lindsay B. Meyer](#) and [Amanda C. Blunt](#) in a recent client alert. On July 9, 2014, CBP circulated a draft amended Informed Compliance Publication (ICP) entitled [Bona Fide Sales and](#)

[Sales for Export to the United States](#), and requested comments from importers on the updates.

[Click to find out if the new enforcement rules signal an audit trend.](#)

## Have a Complaint? The CFPB Wants Everyone to Hear About It

The CFPB is now proposing a new policy related to the disclosure of complaint information, which would permit consumers to opt-in to allowing the Bureau to publish a narrative description of the complaint. This narrative, write Venable attorneys [Suzanne Fay Garwood](#), [Allyson B. Baker](#), and [Andrew Olmem](#), would not contain any personally identifiable information, and companies would have an opportunity to provide a narrative response.

[Click to see what information will be available in the complaint database and what the CFPB is proposing.](#)

## Will There Be Tax Credit Subsidies for Health Coverage Purchased on the Federal Exchange?

There is no letup in the intensity of the litigation wars surrounding the Affordable Care Act (ACA) or in the significance of the matters at issue. This week, two federal circuit courts of appeals split on the important question of whether subsidies are available for individuals who purchase insurance on the federal exchange (which operates in 36 states) as distinguished from a state exchange (and similar challenges are pending in other courts). Venable attorneys [Elizabeth \(Lisa\) C. Keenan](#), [Thora A. Johnson](#), and [Ralph S. Tyler](#) write that this latest challenge is likely bound for the Supreme Court.

[Click for a summary of the conflicting decisions and their potential implications.](#)

## Government Contractors Now Prohibited From LGBT Discrimination

Beginning immediately, write Venable attorneys [Douglas B. Mishkin](#), [Paul A. Debolt](#), [Emily M. Tortora](#), and [Nathaniel S. Canfield](#), federal government contractors are prohibited from discriminating based on sexual orientation or gender identity in the performance of those contracts, under President Obama's [Executive Order](#) dated July 21, 2014. That Order amends Executive Order 11246, which already prohibits such discrimination on the basis of race, color, gender, religion, and national origin. Contractors who violate the amended Order may have their government contracts cancelled or suspended, and may be debarred from further government work.

[Click to find out what your company needs to do to comply with the Executive Order.](#)

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## Upcoming Events

### **Managing Liabilities from Cyber Threats Using the SAFETY Act**

August 5, 2014 | 12:00 – 1:00 p.m. ET

Venable will host a webinar on August 5, 2014 to provide a primer on the SAFETY Act and how it can be used to manage the liabilities of critical infrastructure owners and operators that might arise out of a cyber attack. Join Venable attorneys [Dismas Locaria](#), [Brian M. Zimmet](#), and [Jason R. Wool](#) for this informative event.

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

### **Privacy and Data Security for Your Nonprofit: Understanding Your Legal Obligations and Insuring against Risk**

August 13, 2014 | 12:00 – 2:00 p.m. ET

This program will educate nonprofits on how to take full advantage of all available resources – financial, technological and legal – to effectively and proactively address the risks to handling personally identifiable data and other sensitive information.

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

## Venable LLP's 2014 Intellectual Property Symposium

September 10, 2014 | 12:30 – 6:30 p.m. ET

We have designed this informative program to help in-house counsel and other IP professionals successfully navigate the challenges of an ever-changing environment. Following a keynote luncheon, distinguished guest panelists with a wide range of IP experience will join attorneys from Venable's global practice for interactive panel discussions. We will end the day with a networking reception on our rooftop.

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

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