

GIBSON DUNN

National Security Team

Doing business in the 21st century brings into play national security issues – supply-chain security management; investment in foreign companies or the establishment of foreign branches, subsidiaries or joint ventures; dealing with foreign investors or business partners; border security; emergency response and recovery; export control restrictions on certain technologies, foreign destinations or individuals; defense trade controls; multilateral and unilateral economic trade sanctions and embargoes; anti-money laundering; and anti-corruption initiatives. Particularly since the terrorist attacks of September 11, 2001 in New York City and Washington, D.C., the U.S. government is increasingly active both in monitoring international business transactions and in regulating or restricting business in response to the threat of physical, electronic or financial terrorism.

Gibson Dunn's extensive experience in all areas of global commerce, coupled with its nationally recognized expertise in dealing with both U.S. and foreign government enforcement efforts and the related laws and regulations, allows us to handle, and solve, our clients' most vexing problems in this specialized area.

Our National Security Team is drawn from several practice groups throughout the firm, including Crisis Management, Financial Institutions, Government and Commercial Contracts, International Trade, Labor and Employment, Public Policy, Litigation, and White Collar Defense. The team includes partners, senior lawyers, and specialists with extensive government experience, top security clearances and expertise in the full spectrum of national security issues.

Many of the members of our Team have served in senior capacities in the federal government, particularly in the agencies and organizations that make, implement and enforce national security laws and regulations. Our team includes attorneys who have held high-level positions in the Department of Justice, the Department of Commerce, the Department of Defense, the Department of State, the Department of Treasury, the White House, the National Security Council and the Office of Management and Budget. Members of the Team include a former Congressman, the U.S. Attorney for the largest office outside of Washington, D.C., the Deputy Secretary of Commerce, the Chief Counsel of the Senate's Committee of Homeland Security, a member of the Senior Staff of the Senate Committee on Foreign Relations, a legal advisor to the National Security Council, and the Associate Director of the Office of Management and Budget. While in government, our lawyers also worked closely with every other national security related agency, including the Director of National Intelligence, the Central Intelligence Agency, the National Security Agency, the Defense Security Service and the Department of Homeland Security. Given this wealth of experience, we are prepared to address

CHAIRS

[Judith Lee](#)

Washington, D.C.

[Joseph West](#)

Washington, D.C.

TEAM MEMBERS

[Brian Baldrate](#)

[John T. Behrendt](#)

[Joseph P. Busch III](#)

[Michael Edney](#)

[Andrea Farr](#)

[Donald Harrison](#)

[Matthew A. Hoffman](#)

[Nikesh Jindal](#)

[Jeremy Joseph](#)

[William Kilberg](#)

[Mel Levine](#)

[Karen Manos](#)

[Linda Noonan](#)

[Amy Rudnick](#)

[Alex Southwell](#)

[Jason Schwartz](#)

[F. Joseph Warin](#)

[Debra Wong Yang](#)

[William E. Wegner](#)

every aspect of a national security legal or public policy issue facing our clients.

[Geoffrey Weien](#)

The ongoing conflicts in Iraq and Afghanistan often raise issues that require knowledge of those countries' laws and procedures, and experience with contingency operations. Gibson Dunn attorneys have represented clients across the entire spectrum of battlefield conditions from peace operations, support and stability operations, full-scale armed conflict and post-conflict environments in locations such as Afghanistan, Iraq and Kuwait. Gibson Dunn is fortunate, and proud, to have on its team over a dozen former military officers, senior Department of Defense officials and other high-level officials from the Executive and Legislative Branches, several of whom have "boots on the ground" experience in those conflicts. Our lawyers have extensive experience representing contractors and individuals "on the battlefield" and are highly knowledgeable about the laws, regulations and challenges clients face when performing work in a battlefield environment.

[Chris Wood](#)

A number of Gibson Dunn's team members either currently hold, or have recently held (and can reactivate on short notice) security clearances through the Top Secret/SCI level. This allows us to get involved rapidly in matters where access to classified material is required and time is of the essence.

Set forth below are some of the most common concerns our clients confront in the national security realm and a brief summary of our experience in those areas. Specific information about the work we do in these areas can be found in the various practice group descriptions.

Economic Sanctions and Embargoes (Office of Foreign Assets Control)

Members of our **International Trade** and **White Collar Defense** groups advise clients engaged in international commerce on U.S. sanctions and embargoes administered and enforced by the Office of Foreign Assets Control (OFAC) within the Department of the Treasury. Attorneys in these groups have substantial experience advising clients on compliance with the OFAC sanctions, obtaining advisory opinions, filing license applications, responding to administrative subpoenas, and enforcement actions.

Export Controls

Our **International Trade** and **Government and Commercial Contracts** groups advise clients on U.S. restrictions on exports of goods and technologies on a wide range of government restrictions. Our clients regularly consult us for advice on complying with the Export Administration and International Traffic in Arms Regulations. We assist clients in developing effective compliance programs, applying for and obtaining licenses and other authorizations from the Commerce Department's Bureau of Industry and Security (BIS) and the State Department's Directorate of Defense Trade Controls (DDTC), in developing a program to ensure compliance with license conditions and reporting requirements, and in responding to enforcement actions.

Foreign Corrupt Practices Act and International Bribery Compliance and Investigations

As clients expand business opportunities overseas the risk of corruption and bribery has increased exponentially. Moreover, the Justice Department's recent announcement that it considers Foreign Corrupt Practices Act (FCPA) enforcement to be a national security issue tied to the global fight against terrorism makes FCPA even more important. Our **White Collar Defense** and **International Trade** groups have represented clients in investigations involving alleged violations of the FCPA since the inception of the law. Our attorneys regularly advise clients on all aspects of the FCPA and multi-national corruption issues including: initial advice, training and establishment and implementation of effective compliance programs, representation in internal and government investigations involving suspected FCPA and international corruption violations, Securities and Exchange Commission implications of FCPA issues, merger and acquisition due diligence related to corporate transactions, and special engagements such as serving as corporate compliance monitorships.

Foreign Investment

Our **International Trade, Government and Commercial Contracts** and **Public Policy** groups have extensive experience assisting both U.S. and foreign companies in transactions subject to review by the Committee on Foreign Investment in the United States (CFIUS). In addition, when companies are determined to be under foreign ownership, control or influence (FOCI), we have assisted in obtaining security clearances and handling other issues to enable our clients to obtain or retain federal government work.

Government Contracts

Our Government and Commercial Contracts group has decades of experience providing counseling and litigation services to defense industry and commercial clients regarding national security implications of their business relationships with the U.S. government. We have been involved in numerous hearings and disputes, conducted entirely in the "black world," on precedent-setting cases involving the State Secrets privilege and the Defense Production Act. We have represented clients in matters involving the Central Intelligence Agency, the National Security Agency, the National Reconnaissance Office, the National Geospatial Intelligence Agency, and other federal agencies involved in intelligence gathering and analysis. We regularly work with companies before the Defense Security Service and assist them in satisfying the regulatory requirements of the National Industrial Security Program (NISP) that are driven by foreign investments or acquisitions. In addition, we have been called upon to represent U.S. government agencies on several occasions.

Homeland Security/SAFETY Act

Our **Government and Commercial Contracts, Crisis Management** and **Public Policy** groups have counseled companies

literally since September 11, 2001, on issues relating to what has become known as Homeland Security. We have counseled clients as to qualifying their products under the SAFETY Act, addressing company-threatening liability for pharmaceutical products, and other first-impression matters.

Information Security

Our **International Trade** group advises clients on the restriction of exports on encryption technology. In addition, our **White Collar Defense** group represents clients in matters involving charges of computer hacking, intrusion and intellectual property offenses, as well as entities that have been victimized by network security incidents or data breaches.

National Security Civil and Criminal Litigation

Increasingly, our clients are confronting civil litigation and criminal investigations that raise national security issues. Members of our **Litigation** and **White Collar Defense** groups have deep experience in such matters. Often the resolution of these cases turn on classified information, and our attorneys are well versed in the complex procedures for handling classified information in the federal courts, including the Classified Information Procedures Act and the state secrets privilege.

National Security Public Policy

The members of our **Public Policy** group also have extensive experience with effecting public policy change on national security matters. We are prepared to help build strategies regarding national security policy matters pending before both the Congress and the Executive Branch. Our Team includes a former Congressman and member of the House Committee on Foreign Affairs, a former high-ranking State Department official, and a former member of the National Security Council staff responsible for leading committees of policymakers from across the Executive Branch.

Anti-Money Laundering

Members of our **Financial Institutions** and **White Collar Defense** groups have extensive knowledge of domestic and foreign anti-money laundering laws and regulations, both as government attorneys and private practitioners. We provide advice on anti-money laundering and forfeiture laws, currency transaction reporting, the identification and reporting of suspicious activity, wire transfer and other record-keeping requirements. We advise and represent financial institutions in audits and exams conducted by a number of regulators and help prepare our clients to successfully complete the exercises in the most cost-effective manner. We also defend financial institutions and other regulated entities against investigations and prosecutions for failure to prevent or report illegal money laundering and the failure to follow the “know your customer” requirements and other requirements of the USA PATRIOT ACT. Our clients include banks and financial service companies, as well as major international businesses, including manufacturers and

distributors of appliances, consumer electronics, computers, and other goods.

Congressional Investigations

Our **Public Policy** group has extensive experience advising defense and high-tech industry clients in their interaction with federal, state and local governments. We have prepared clients to testify before Congressional committees, assisted foreign firms in obtaining approvals from regulatory agencies to acquire U.S. defense contractors, defended technology clients against hostile takeover bids based on national security concerns, and assisted defense and aerospace firms with advocacy issues both domestically and in foreign countries. While serving in the Executive Branch, our lawyers were responsible for addressing congressional oversight of national security programs.

Customs and Imports

Our **International Trade** group represents clients in compliance, licensing and enforcement matters before the Department of Homeland Security's Bureau of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). We have particular expertise shepherding our clients through a customs compliance assessment or audit and with the Customs-Trade Partnership Against Terrorism (C-TPAT) program.

E-Verify/Employment Issues

Our **Labor and Employment** group has extensive experience with the full range of employment issues facing employers in the post-9/11 environment including the E-Verify system, which requires federal government contractors to use an electronic verification system to verify electronically the employment eligibility of new employees.

Points of Contact

To learn more about our National Security Team, please contact the Team Leaders:

[Judith Lee](#) and [Joseph West](#).

Please contact members of the National Security Team for counsel in the following areas:

Economic Sanctions and Embargoes (Office of Foreign Assets Control):

[Judith Lee](#)

Export Controls:

[Judith Lee](#)

Foreign Corrupt Practices Act and International Bribery Compliance and Investigations: [Brian Baldrate](#), [Judith Lee](#), [F. Joseph Warin](#), and [Debra Wong Yang](#)

Foreign Investment:

[Judith Lee](#)

Government Contracts:

[Karen Manos](#) and [Joseph West](#)

Homeland Security/SAFETY Act:

[Joseph West](#)

Information Security:

[Alex Southwell](#) and [Debra Wong Yang](#)

National Security Civil and Criminal Litigation:

[Brian Baldrate](#), [Michael Edney](#), [F. Joseph Warin](#) and [Joseph West](#)

National Security Public Policy:

[Michael Edney](#) and [Mel Levine](#)

Anti-Money Laundering:

[Linda Noonan](#), [Amy Rudnick](#) and [Debra Wong Yang](#)

Congressional Investigations:

[Michael Bopp](#) and [Mel Levine](#)

Customs and Imports:

[Donald Harrison](#) and [Chris Wood](#)

E-Verify/Employment Issues:

[William Kilberg](#), [Eugene Scalia](#) and [Jason Schwartz](#)