

U.S.-China Tensions: Regulatory Risk and Strategic Opportunity for Business

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Even in a geopolitical landscape marked by conflicts in Europe and the Middle East and broader economic uncertainty, China continues to be the central focus of U.S. national security policy leading up to President Trump's planned visit to Beijing in mid-May. The fraught political relationship between the United States and China impacts their broader commercial relationship and presents regulatory, enforcement and operational risks for businesses while, at the same time, creating opportunities for companies that can anticipate shifting rules, structure transactions and operations thoughtfully, and build compliance frameworks that can sustain through U.S.-China tensions. In this piece, we highlight several areas that have seen notable recent developments under the second Trump administration.

Economic Sanctions and Export Controls

U.S. economic sanctions and export controls targeting China and Chinese companies continue generally to follow a paradigm seen consistently across the Obama, Trump 1.0, Biden and now Trump 2.0 administrations—namely, a selective and relatively limited focus on certain issues, particularly technology competition and support for strategic adversaries of the United States, but a notable lack of broader, embargo-like restrictions that would force a greater split between less-sensitive sectors of the Chinese and U.S. economies. We expect this tension to continue being a defining feature of the U.S.-China trade relationship for the remainder of this administration, barring any events of significant geopolitical upheaval that cause more direct confrontation between China and the United States. However, we hope that reported progress in recent trade-related negotiations results in greater clarity on certain issues related to sanctions and export compliance.

Recent China-related sanctions and export controls actions under the second Trump administration can be sorted into two general buckets: (i) technology rivalry (as it relates to both military and certain commercial developments) and (ii) support for parties or activities considered adverse to U.S. national interests, particularly Iran and Russia.

In the first category, the Commerce Department's Bureau of Industry and Security ("BIS") continues to take the leading role and, among other measures, recently added Chinese- and China-related technology companies to the Entity List of the Export Administration Regulations (the "EAR") for engaging in activities deemed contrary to the national security or foreign policy interests of the United States. These designations included several Chinese AI, supercomputing or quantum information technology companies, and although a number were alleged to have engaged in the circumvention of U.S. export controls or to be explicitly assisting the Chinese military, some appear to have been designated simply for advancing China's general artificial intelligence ("AI"), supercomputing or quantum capabilities.

Other actions by BIS in this area included the revoking of Validated End-User status for several Korean- and one Taiwanese-owned semiconductor fabrication plants in China, with BIS noting that it was closing a "Biden-era loophole" that allowed the firms to supply these China-based plants with key manufacturing equipment that otherwise would require a license, as well as the issuance of public guidance in May 2025 that "use" of certain China-manufactured advanced computing integrated circuits, including the Huawei Ascend processors, would constitute a violation of the EAR's General Prohibition 10, which restricts any person from dealings in any item that has been involved in a violation of U.S. export controls (BIS alleges that such processors were produced using certain unlicensed software and equipment in violation of the EAR). Congress is currently proposing to further limit China's access to chip manufacturing equipment, and, if enacted, a wider range of China-produced processors may eventually implicate restrictions under General Prohibition 10.

However, not all actions have resulted in a tightening of U.S. export controls. In at least two notable incidents, the second Trump administration has rolled back or limited the impact of earlier export controls adopted for national security reasons. In January 2026, BIS revised its licensing policy for the export of certain semiconductors to China and Macau, effectively allowing the sale and export of certain Nvidia or equivalent chips so long as the sales do not raise supply concerns for the United States, and BIS approves the recipient (this also involves a related import requirement and tariff that result in an effective 25% "fee" on each chip exported to China under this scheme). BIS explained the change in licensing policy is "necessary to ensure the national security benefits of U.S. leadership in AI," meaning that the administration determined that the national security risks of allowing such processors to flow to certain users in China could be acceptable, even if the U.S. government continues to harbor concerns about the national security implications of China's AI ambitions more generally.

The other notable rollback of U.S. export controls occurred within the broader context of ongoing U.S.-China trade negotiations. Just prior to, and in apparent anticipation of, President Trump's October 2025 trip to Asia, BIS released a long-anticipated new rule

that would extend the licensing requirements/restrictions mandated by inclusion on the Entity List (and several other trade compliance lists) to any legal entity owned 50% or more by designated persons, with the result that many additional companies would automatically become subject to U.S. export restrictions (and a significant percentage of these newly restricted companies would be Chinese). However, following high-level meetings between China and the United States, the White House announced that this rule would be suspended for one year—until November 2026—in exchange for China suspending its newly established export controls on certain “rare earth elements” to the United States.

The second category of recent China-related actions (those targeting support for activities adverse to U.S. national interests) also includes designations by BIS, including several Chinese companies added to the Entity List for alleged support of Iran’s drone program, and the U.S. Treasury Department’s Office of Foreign Assets Control (“OFAC”) also targeted numerous Chinese companies under a range of U.S. sanctions programs. Several of these designations related to proliferation concerns, including support for Iran’s ballistic missile and drone production or Russia’s military, and several designations were made under authorities targeting transnational criminal organizations. Additionally, in March 2025, the State Department designated six senior Hong Kong officials for activities related to the implementation and enforcement of local national security laws.

Risks

There are two general risks faced by both U.S. and non-U.S. businesses related to U.S. sanctions and export controls. The first, and more mundane, is the designation of a counterparty or affiliate under existing sanctions and export controls authorities. There are regular designations announced by both BIS and OFAC and, at least in respect of potential designation by BIS, merely operating in certain technology sectors may be sufficient to warrant the imposition of U.S. export controls on a Chinese company. Businesses seeking to avoid becoming the target of such restrictions may de-risk by avoiding dealing with or otherwise supporting China’s military, security services or sensitive state-owned enterprises, but even that may be insufficient for certain technology sectors, including biotechnology, hypersonics, quantum information technology, advanced semiconductor production, AI model development or certain AI technologies (e.g., robotics). The risk of designation under U.S. sanctions historically can be meaningfully mitigated through the avoidance of higher-risk counterparties and activities, but while this compliance strategy remains the most effective approach, China’s Anti-Foreign Sanctions Law, recent Provisions of the State Council on the Security of Industrial and Supply Chains, and similar countermeasures may raise meaningful limitations for businesses operating in China on their ability to fully de-risk from certain relationships or agreements.

Opportunities

China remains an important market and will continue to be both the most important supplier and the biggest economic rival of the United States for the foreseeable future, regardless of recent trade disruptions. Current trade negotiations between China and the United States appear to be headed toward a “managed competition” of sorts, under which the political leadership of each country agrees to limit application of sanctions and export controls, among other trade-related measures, to particular issues and concerns without crippling or destroying broader commercial relationships between the two major economies.

Companies that develop their compliance programs to identify potential flashpoints (e.g., shared IT infrastructure between China and the United States), particularly where those may interrupt key business operations (e.g., a significant counterparty or affiliate in China becomes a target of new restrictions), and plan for mitigating actions in advance (separate IT infrastructure for Chinese and U.S. personal data, ensuring appropriate trade compliance termination provisions are included in key agreements, etc.) will be at an advantage in navigating the regulatory turbulence and can better track a path that balances the ongoing needs of a successfully running a business in or involving China with the ever-expanding compliance burdens placed cross-border U.S.-China business.

CFIUS and Inbound Investment

The Committee on Foreign Investment in the United States (“CFIUS”) has for decades been a central tool of the U.S. government’s foreign investment policy, and that remains true now in the United States’ current competition with China. CFIUS reviews certain foreign investment in the United States for national security risks, and the past several presidential administrations have increasingly used CFIUS to implement foreign investment policy. Today, CFIUS’s reviews and potential prohibitions of inbound investment are key components of efforts to protect U.S. economic and national security interests from China-based threats.

The Trump administration’s [America First Investment Policy](#), released in February 2025, highlighted CFIUS as a primary vehicle for certain U.S. government objectives—including the tempering of Chinese government influence through investments in the United States. The specific efforts explicitly or implicitly implicating CFIUS as a tool to combat such influence include:

- Restricting China-affiliated investors from investing in strategic sectors like technology, critical infrastructure, healthcare, agriculture, energy and raw materials

and restricting such investors' access to U.S. talent and operations in sensitive technologies, especially AI.

- Implementing proportional restrictions on foreign investors that are to ease in proportion to a foreign investor's verifiable distance and independence from China.
- Expanding CFIUS review to address "greenfield" investments (as in, companies created in the United States by foreign parents) from foreign investors, including those tied to China-affiliated investors.
- Ceasing the use of complex and open-ended mitigation agreements and ensuring that mitigation agreements consist of concrete actions that companies can complete within a specific period of time—suggesting that where national security concerns cannot be addressed through clear, time-bound mitigation measures (as may be the case for China-affiliated investors), transactions are more likely to be blocked rather than permitted subject to mitigation.
- Welcoming passive investments from all foreign investors, including those affiliated with China, so long as such passivity includes non-controlling stakes with no voting, board or governance rights and no influence over or non-public access to technical or proprietary U.S. business information.

Many of the America First Investment Policy objectives align with CFIUS's pre-existing laser-like focus on China-affiliated investors. Beginning in the Obama administration and continuing in the first Trump administration through the Biden administration, CFIUS has heavily scrutinized foreign investors for Chinese ties, including by gathering extensive information on investors that do not have overt or obvious China connections. Recent efforts include requesting information about non-U.S. limited partners in private equity fund structures, even when such limited partners are passive or hold low levels of equity interest. CFIUS has sought information including limited partner identities and governance rights, with CFIUS requiring the sharing of such information even when it is subject to confidentiality protections. Such information requests have continued to provide CFIUS with information it needs to determine which foreign investors are affiliated with China.

In accordance with his focus on China, the president, acting through his CFIUS authority, has exercised the most extreme CFIUS remedy—blocking or unwinding a transaction—in some high-profile instances involving Chinese investors. So far in his second presidential administration, President Trump has used CFIUS to order the unwinding of Chinese acquisitions of a U.S. digital chips business in the semiconductor industry and an audiovisual equipment technology company serving critical infrastructure- and military-related customers. Similarly, President Biden used his

CFIUS authority to order the unwinding of an acquisition by a Chinese national-owned cryptocurrency mining company of real estate within one mile of the Francis E. Warren Air Force Base in Cheyenne, Wyoming. These actions show the aggressive bipartisan focus on addressing national security risks associated with Chinese ownership.

Risks

Investors, both foreign and domestic, may face heightened regulatory, transactional and reputational risks as CFIUS intensifies its focus on China-affiliated investors. Transactions involving even indirect or minority Chinese ties may be subject to rigorous scrutiny, including expansive information requests about ownership structures, limited partners and governance rights. There is also an increased risk that CFIUS will block or unwind China-related transactions, particularly in sensitive sectors where national security concerns cannot be mitigated to CFIUS's satisfaction. The shift away from complex mitigation agreements elevates such risk, as transactions that previously might have proceeded with mitigation may now be rejected outright. For example, Inari Amertron Berhad, a Malaysia-based semiconductor assembly and testing company, Sanan Optoelectronics Co., Ltd., a Chinese LED and compound semiconductor manufacturer, and Lumileds Holding B.V., a global LED and automotive lighting company originally part of Philips, recently terminated their joint acquisition agreement after CFIUS indicated it would block the semiconductor-related transaction on national security grounds and requested that the parties withdraw their filing.

Opportunities

CFIUS's heightened focus on Chinese investment also creates strategic opportunities for investors who can clearly demonstrate independence from China or structure transactions to minimize national security concerns. Such investors may benefit from a comparatively smooth regulatory path and increased access to sensitive sectors where China-linked capital would face additional CFIUS-related hurdles or risk being blocked outright. Investors may also benefit from partnering with Chinese investors that structure their participation as truly passive, thereby enabling non-Chinese investors to retain access to capital, oversight and control while avoiding giving Chinese investors governance rights or access to sensitive information that could raise CFIUS concerns. Finally, reduced reliance on complex mitigation agreements may reward investors who can present clean, low-risk deal structures up front, creating a competitive advantage in the likelihood of achieving CFIUS approval for transactions in sensitive sectors.

Drug Supply Chain

The U.S. government has recently advanced measures aimed at limiting China's role in the U.S. drug supply chain. A [November 2025 report](#) by the U.S.-China Economic and Security Review Commission warned that China could weaponize supply chain chokepoints. In particular, the report pointed to China's involvement in active pharmaceutical ingredient ("API") production, contract manufacturing and the development of new therapeutic candidates. The report advocated for the elimination of critical dependencies through a long-term strategy of supply chain de-risking.

The BIOSECURE Act (the "Act"), enacted on December 18, 2025, as part of the FY2026 National Defense Authorization Act, is intended to address concern over national security risks embedded in the global biotechnology supply chain, particularly with respect to companies linked to foreign adversaries such as China. The law restricts federal agencies from procuring from or funding certain "biotechnology companies of concern" ("BCCs") and bars contractors and grant recipients from using such entities in federally supported work. The Act does not name specific companies as BCCs but treats any company on the Department of Defense's 1260H list of "Chinese military companies" as a BCC and sets forth a process through which more companies can be designated. The Act's prohibitions will likely not take effect until 2027 or later, as several actions must first be taken. First, the Office of Management and Budget ("OMB") must publish a list of designated BCCs by December 2026 and issue guidance on implementing the provisions of the Act. Then, the Federal Acquisition Regulatory Council must revise the Federal Acquisition Regulation (the "FAR") within one year after OMB guidance. The effective dates of the prohibitions will follow the FAR update. Although the Act is not yet fully implemented, it is already reshaping industry behavior. Companies are reassessing supply chains, diligence practices and cross-border partnerships in anticipation of phased-in restrictions.

On March 11, 2026, Senate Aging Committee Chairman Rick Scott and Ranking Member Kirsten Gillibrand convened a hearing titled "Foreign Dependence: How China Captured America's Drug Supply," underscoring bipartisan concern over the United States' reliance on China for critical aspects of the drug supply chain such as APIs and finished generics. The hearing was intended to identify policy failures that enabled U.S. overreliance on China and advocate for potential reforms that restore American control over essential medicines. The discussion reinforces a broader policy shift toward treating pharmaceutical supply chains as a strategic vulnerability, with implications for drug pricing, availability and regulatory oversight.

Since that hearing, the administration has taken more concrete action. On March 24, 2026, HHS's Administration for Strategic Preparedness and Response announced an

additional \$8.3 million investment to expand domestic production of propofol (a sedative) and metoprolol (a cardiovascular drug), noting that about 90% of cardiovascular medications used in the United States are manufactured in India or China and that the award is intended to help create the first end-to-end domestic supply chain for metoprolol in decades. Then, on April 2, 2026, President Trump issued a Section 232 proclamation concluding that imports of patented pharmaceuticals and associated pharmaceutical ingredients threaten to impair U.S. national security and imposing tariffs on covered products. The proclamation leaves generic pharmaceuticals, biosimilars, and their associated ingredients outside the tariffs for now. Although not specific to China, the proclamation reinforces the administration's goal of reducing reliance on foreign products and favoring companies that can onshore or diversify sensitive supply chains. The new tariffs will take effect on July 31, 2026, for certain companies and on September 29, 2026, for the remainder.

Risks

Pharmaceutical and biotechnology companies face increasing regulatory, operational and commercial risks as U.S. policymakers push to reduce dependence on China-linked suppliers, manufacturers and research partners. Even before the BIOSECURE Act's prohibitions take effect, companies that rely on Chinese manufacturers, suppliers or other service providers may face heightened diligence burdens, procurement restrictions tied to federal funding and pressure to unwind or reconfigure longstanding relationships on compressed timelines. Additional trade measures, including the Trump administration's recently announced Section 232 tariffs on certain patented pharmaceuticals and associated ingredients, raise the prospect of higher input costs, supply disruptions and pricing pressure for companies with concentrated foreign sourcing.

Opportunities

These same developments create meaningful opportunities for companies that can demonstrate supply-chain transparency, diversify production and position themselves as trusted alternatives to Chinese suppliers. Domestic manufacturers and other service providers with limited China exposure may benefit from increased demand, public-sector funding and a more favorable posture in federal contracting, grant-supported work and strategic partnerships. More broadly, companies that can present credible plans to rebalance supply chains away from concentrated China exposure may gain commercial advantage with customers, investors and regulators focused on resilience and national security.

Communications Infrastructure

The Federal Communications Commission (the “FCC”) has long served as the primary regulatory agency for the U.S. communications sector, but it has recently focused heavily on addressing national security concerns related to U.S. communications infrastructure. In 2025, the FCC established its Council on National Security to coordinate agency-wide action in protecting U.S. national security and countering foreign adversaries, which the FCC has stated includes the PRC. The primary objectives of the Council on National Security include:

- strengthening technology and telecommunications supply chains to reduce the U.S. communications sectors’ trade and supply chain dependency on foreign adversaries;
- securing the U.S. communications sector from cyber threats by mitigating vulnerabilities to cyberattacks, espionage and surveillance by foreign adversaries; and
- ensuring the United States surpasses China in strategic competition over critical technologies like 5G and 6G, AI, satellites, quantum computing, robotics, autonomous systems and the Internet of Things.

The FCC has accordingly increased its national security-related regulation and enforcement efforts. On January 8, 2026, the FCC announced its first-ever enforcement of a Team Telecom mitigation agreement. Team Telecom is an interagency committee that evaluates FCC license applications for foreign ownership risks and can recommend licenses be conditioned on national security agreements that mitigate foreign ownership concerns. The FCC entered into a settlement with a satellite operator for violating its mitigation agreement obligations related to unauthorized foreign employee access to communications infrastructure and customer data. Under the settlement, the satellite operator agreed to pay a \$175,000 voluntary contribution and implement a robust compliance plan. Although information about the settlement was not publicly noted to involve Chinese entities or persons, the action signals that the FCC is closely monitoring compliance with Team Telecom mitigation agreements and is prepared to take action to enforce these agreements.

In addition, on January 29, 2026, the FCC adopted new rules that enhance its capability to evaluate national security concerns in the U.S. communications sector. The FCC adopted new reporting requirements for FCC license holders and applicants regarding ownership, control and other ties to foreign adversaries such as China. The requirements apply based on the specific FCC license, permit or authorization and the national security risk posed by foreign adversary control. On the same day, the FCC also

adopted new rules clarifying its long-standing foreign ownership reporting requirements for certain FCC licenses.

Risks

Investors in the U.S. communications sector face increasing regulatory, operational and enforcement risks as the FCC intensifies its focus on national security concerns related to Chinese ownership. Heightened scrutiny of foreign ownership, particularly through expanded reporting requirements on ownership, control and foreign ties, creates greater compliance burdens and the potential for complications in obtaining or maintaining FCC licenses. Investors may also face stricter oversight through Team Telecom reviews, including the imposition of mitigation agreements that limit access to sensitive infrastructure, data and personnel. The FCC's willingness to enforce these agreements raises the stakes for compliance, with investors or the U.S. communications sector companies in which they invest otherwise facing potential financial penalties and reputational harm.

Opportunities

The FCC's heightened focus on China-related concerns also creates opportunities for investors that can demonstrate limited exposure to China and their own strong compliance practices. Investors with ownership structures that have minimal or no ties to China may benefit from a more favorable regulatory posture, including smoother licensing processes for portfolio companies or investment targets, with a reduced risk of burdensome mitigation measures. The FCC's emphasis on securing supply chains and advancing U.S. leadership in critical technologies may also drive increased investment opportunities, government support and market demand for trusted, domestic or allied providers.

Enforcement

Recent U.S. enforcement activity has focused significantly on China-related conduct, reflecting the administration's view that export control violations, customs and trade fraud, data security breaches and improper foreign influence are overlapping criminal and national security priorities.

For example, in July 2025, the National Security Division ("NSD") of the U.S. Department of Justice ("DOJ") and the U.S. Attorney's Office for the Northern District of California [announced](#) that Cadence Design Systems had agreed to plead guilty to export control violations relating to semiconductor design hardware and software tools transferred to a Chinese military university restricted under the U.S. Department of

Commerce's Entity List. Together with the [parallel civil action](#) brought by BIS for the same conduct, the combined criminal and civil penalties totaled more than \$140 million.

A few months later, in December 2025, DOJ [announced](#) its disruption of a China-linked AI technology smuggling network through guilty pleas by a Houston company and its owner for violations of export controls and smuggling laws, charges against additional individuals and seizures of more than \$50 million in "Nvidia technologies and cash," with the government alleging the use of straw purchasers, intermediaries, relabeling and false export paperwork to move advanced graphics processing units toward China and Hong Kong.

DOJ has also pursued broader efforts to address particular threats from China. On April 8, 2025, DOJ's Data Security Program (the "DSP") went into effect, implemented by NSD. As [previously discussed](#), the DSP creates a comprehensive export control regime to restrict the transfer of bulk sensitive personal and government-related data to foreign adversaries deemed threats to U.S. national security. In its [announcement](#), DOJ described the DSP as a critical mechanism to "prevent China, Russia, Iran, and other foreign adversaries from using commercial activities to access and exploit U.S. government-related data and Americans' sensitive personal data to . . . undermine U.S. national security."

Also in April 2025, President Trump issued an [executive order](#) establishing renewed scrutiny of undisclosed foreign funding at American universities under Section 117 of the Higher Education Act of 1965 and directing the Secretary of Education and the Attorney General to enforce the requirements of the Act, a development aimed at foreign influence concerns involving China.

DOJ has also made it a major priority to aggressively enforce tariff evasion and other trade fraud, as we have [previously discussed](#). In August 2025, DOJ and the Department of Homeland Security launched a cross-agency [Trade Fraud Task Force](#) to enhance coordination regarding the enforcement of tariff evasion and related import fraud. In December 2025, the Task Force resolved its first criminal trade fraud investigation involving a New York-headquartered global distributor and its subsidiaries. Pursuant to its Corporate Enforcement and Voluntary Self-Disclosure Policy, DOJ declined to prosecute MGI International ("MGI") for falsifying customs declarations after the company voluntarily disclosed that its subsidiaries had failed to pay customs duties on Chinese imports. As part of [the resolution](#), DOJ credited \$6.8 million that MGI's subsidiaries had previously paid in July 2025 to resolve civil liability under the False Claims Act for knowingly underpaying customs duties. (One day prior to the resolution, MGI's chief operating officer pleaded guilty to conspiring to smuggle goods into the United States.)

Risks

From a compliance perspective, these developments reinforce that companies should be assessing China-related risk across the full transaction and supply-chain lifecycle rather than in isolated silos. That means careful diligence not only on counterparties but also on beneficial ownership, potential military or government affiliations, ultimate end users, product and tariff classifications, and documentation supporting exports, imports and reexports. It also means recognizing that China-related national security risk now extends beyond conventional sanctions or export-control questions: companies with China-facing technology and data need to be mindful of the DSP's compliance obligations.

Opportunities

As companies evaluate their risks, investigate areas of potential misconduct and review any relevant whistleblower complaints or internal audit reports, companies should be mindful of DOJ's policy on corporate enforcement. On March 10, 2026, DOJ [announced](#) its first-ever Department-wide Corporate Enforcement Program (the "CEP") for all criminal matters. As [recently discussed](#), this CEP seeks to avoid disparities among how different DOJ components treat corporate self-reports and creates a framework for prosecutors to evaluate the extent to which companies have earned self-disclosure and cooperation credit. As the MGI matter discussed above demonstrates, it can be immensely beneficial to companies to secure such credit.

Under the CEP, companies that self-report misconduct to DOJ, cooperate in DOJ's investigation and properly remediate any violations may avoid charges and may face significantly reduced penalties. For companies facing potential China-related risks—particularly in areas that DOJ has identified as priorities, like export controls, sanctions, trade fraud and other violations that implicate national security concerns—this creates clear incentives to escalate potential issues quickly, to investigate and promptly determine whether to self-report, and to remediate comprehensively.

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Taken together, these developments illustrate that China remains at the center of the U.S. government's national security agenda despite a volatile world creating competing U.S. foreign policy demands. This focus of the U.S. government's national security priorities is expressed through a range of regulatory and enforcement tools that carry meaningful implications for companies doing business in, with or around China. Businesses are challenged not just by the existence of these risks but also by the need to manage them in a dynamic environment often shaped by broader geopolitical considerations. At the same time, companies that invest in thoughtful transaction structuring, robust diligence and adaptable compliance frameworks will be better

positioned to both mitigate risk and identify opportunities to succeed in a landscape marked by U.S.-China tension. Although this discussion has focused on several areas that have seen especially notable developments under the second Trump administration, businesses should continue to assess other China-related exposure in areas such as outbound investment, bulk data transactions and advanced technology supply chains.

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