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Trump Administration Resource Guide

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Trump Administration Resource Guide

This comprehensive guide is designed to equip clients with essential insights and strategic contacts to effectively navigate regulatory and policy shifts under the Trump Administration. This digital resource provides an in-depth overview of anticipated changes across key areas—from trade and technology to manufacturing, the environment, and beyond—offering actionable guidance tailored to industry needs. With contributions from our experienced attorneys, the guide serves as a valuable tool for businesses looking to stay agile and ahead of the curve in a rapidly evolving legal, policy, and compliance landscape.

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Election Law & Government Ethics

Wiley is a leader in guiding clients through the laws and rules governing campaign finance, lobbying, government ethics, and elections. We provide incisive and sophisticated legal counsel on all aspects of political law, advise on regulatory compliance matters, and represent clients in regulatory inquiries, government investigations, and federal and state court litigation.



The Federal Election Commission is charged with administering and civilly enforcing the nation's campaign finance laws. **As an independent regulatory agency, the FEC's priorities are not set by the President and, therefore, do not immediately change when a new President takes office.** Rather, the FEC's policy direction will shift based on who the President appoints as Commissioners. Currently, four of the six FEC Commissioners are serving in expired terms, meaning that President Trump could appoint their replacements immediately upon taking office, but it's likely to be a slow-moving process.

—Caleb P. Burns
Partner, Election Law & Government Ethics Practice





The transition to a new Administration always brings legal and compliance challenges – both for those going in and those coming out. The same is true after elections with respect to Capitol Hill. Those helping with the transition need to ensure that they and their employers are cognizant of the applicable ethics rules. Those going into the new Administration need to get their private affairs in order so that they can move into the public sector and comply with the conflict-of-interest rules. Those coming out of the Administration or off the Hill and those interviewing or hiring them must be aware of the post-government ethics rules that apply – whether the congressional rules or the Executive branch rules.

—**D. Mark Renaud**
Partner, Election Law & Government Ethics Practice



This campaign cycle has demonstrated how technology continues to change the face of political campaigns. In the past year, we've seen the FEC grapple with important decisions in the areas of artificial intelligence, digital advertising, and political fundraising. During his forthcoming term, President Trump will likely appoint several new FEC commissioners who will shape the agency's policy and enforcement agenda in these – and other – areas with lasting effects for many election cycles to come.

—**Andrew G. Woodson**
Partner, Election Law & Government Ethics Practice





The transition to a new Administration and a new Congress creates exciting opportunities for individuals entering or leaving federal government service. **But with these opportunities come a broad range of ethics compliance requirements, both for individuals and for their current and prospective private sector employers.** Ethics agreements; financial disclosure obligations; conflict of interest mitigation; post-employment restrictions. The ethics compliance landscape can be full of landmines. Wiley has the experience and know-how to help our clients – whether individuals or organizations – navigate this often complicated transition terrain.

—Robert L. Walker
Of Counsel, Election Law
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Michael, a former Chairman of the Federal Election Commission, is a seasoned election law expert and political veteran with a wealth of experience advising candidates, political committees, trade associations, and corporate clients on federal and state election law compliance. Michael also has led litigation teams in a number of areas including campaign finance and First Amendment litigation, election administration cases, and commercial litigation, including actions involving the financial services industry and constitutional takings claims.



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Caleb advises participants in the political process on compliance with all aspects of political law, including campaign finance, government ethics, and lobbying. His clients include Fortune 50 corporations, trade associations and other business organizations, nonprofit and tax exempt 501(c) advocacy organizations, federal officeholders, political candidates and committees, and private individuals. Caleb frequently represents clients in matters before the Federal Election Commission, other federal and state administrative agencies, and in federal and state courts.



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Carol is a trailblazer in the political law arena, possessing both public-sector and private-sector experience that gives her a unique perspective when representing her clients. She advises corporations, trade associations, political groups and committees, candidates, PACs, media corporations, and individuals on federal and state campaign finance and election laws, government ethics, and lobbying laws. She is also an experienced litigator who regularly handles complex issues of political, constitutional, and administrative law.



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Mark advises clients on a wide array of international, federal, state, and local campaign finance, lobbying, ethics, and pay-to-play laws. His clients include Fortune 100 corporations, smaller business entities, trade associations, nonprofits, political committees, and super PACs. Mark helps clients to develop, implement, and audit political law compliance programs, and navigate campaign finance and tax rules that affect their ability to speak in the public square, including speech that occurs around the time of elections.

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Andrew counsels political candidates, officeholders, corporations, super PACs, and other organizations in complying with state and federal campaign finance, ethics, and lobbying laws. He is one of the country's leading defense advocates before the FEC, having secured dozens of dismissals and negotiated settlements for some of America's largest corporations, media enterprises, and political actors. Andrew is also a frequent speaker on the use of AI in political campaigns, bitcoins and cryptocurrency in politics, and direct-to-candidate fundraising programs.



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Brandi advises candidates, officeholders, political parties, PACs, corporations, trade associations, and other organizations on compliance with all aspects of law concerning the political process, including state and federal campaign finance, ethics, lobbying, and pay-to-play laws. She represents clients before the FEC in enforcement proceedings, rulemaking comments, and advisory opinion requests, and before the Office of Congressional Ethics, U.S. House Committee on Ethics, and U.S. Senate Select Committee on Ethics in ethics matters.



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Rob is a former Chief Counsel and Staff Director of the Senate and House ethics committees and a former federal prosecutor. He counsels a wide range of clients on congressional and other government ethics rules, lobbying rules and compliance, congressional investigations, and white collar defense matters. Rob represents corporations, associations, and individuals in federal and state ethics advisory and investigative matters, internal investigations, and prosecutions arising under campaign finance, fraud, public corruption, and other criminal laws.

Environment & Product Regulation

We partner on high-level policy, regulatory, litigation, and enforcement matters for clients ranging from some of the largest publicly held companies to private entities and trade associations engaged in all levels of the supply chain. Our team comprises lawyers, consultants, and regulatory analysts who assist with legal and business challenges across every phase of the life cycle of a consumer product.



*For businesses, the weakening of Chevron deference signals a shift towards more scrutiny of regulations that rely on the agency's interpretation of the underlying statute, meaning courts will play a larger role in statutory interpretation. This would particularly be true where an agency is interpreting an underlying statute to confirm its authority for issuing or amending a regulation. **This change could provide the regulated community with more opportunities to push back on overly broad and burdensome regulatory proposals, but clients should prepare for the increased legal costs that come with challenging the agency's interpretations through litigation.***

— **Tracy Heinzman**
Chair, Environment & Product Regulation Practice





We expect the new Administration to place a greater emphasis on meeting TSCA's statutory deadlines for reviews. The procedural regulations implemented by the Biden Administration made changes in the risk evaluation process that increased complexity, and, in some instances, defaulted to more conservative assumptions. Some assumptions, such as existing workplace controls, may be given greater consideration in future assessments, barring a court ruling to the contrary. EPA may be more willing to extend timelines to meet the needs of downstream users of chemicals whose products are impacted by TSCA risk management rules. With respect to both existing and new chemicals, companies can anticipate a greater focus on realistic outcomes and less reliance on "beyond worst case" scenarios. The lack of funding, if it persists, will continue to make timely TSCA new chemical reviews challenging, impacting supply chains. Finally, the new Administration should expect to receive requests to revisit the 2016 Lautenberg amendments.

— **Martha E. Marrapese**
Partner, Environment & Product
Regulation Practice



For products regulated as pesticides, both crop protection and antimicrobials, companies should be alert as we do not have a clear picture of what policies the new Administration will implement. Trump campaigned on increased efficiency in government, but previously supported reduced resources for EPA. Delays in obtaining registration of new active ingredients, and registration amendments, which have been a significant issue for several years, will be difficult to resolve if the lack of funding for OPP persists. Moreover, certain environmental groups have indicated that they are prepared to sue EPA for actions they believe are inconsistent with federal laws, which could further drain resources. Under the prior Trump Administration, EPA was less inclined to take aggressive action to remove existing products from the market; but it is too early to see if the same approach will be taken in the incoming Administration. Companies also should keep a close watch on states as some, such as California, may seek to impose restrictions under state law.

— **Sara Beth Watson**
Of Counsel, Environment & Product
Regulation Practice





With expected EPA deregulation at the federal level, businesses should anticipate continued regulatory activity across various environmental programs at the state level. For example, we would expect existing state-led efforts to regulate PFAS chemicals, and green chemistry programs – particularly in California and Washington – to persist and even expand under the new Trump Administration. Recently enacted laws in Maine, Minnesota, and other states to regulate PFAS chemicals, and programs such as California’s Safer Consumer Products program and the Safer Products for Washington law, illustrate how states are advancing their own regulatory agendas, often setting stricter standards for chemical usage, disclosure, and safer alternatives. Industries need to monitor these state activities closely, as regulatory actions in these areas could intensify, potentially impacting product formulations, supply chain requirements, and compliance strategies. Companies operating in these markets should stay proactive by tracking updates, engaging with state regulators, and assessing how evolving state standards might influence their operations.

—**Sarah E. Amick**
**Special Counsel, Environment
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With more than 20 years of experience, Tracy is nationally recognized for her strategic representation of businesses that manufacture and market chemicals, pesticides, biocides, and other highly regulated products. She counsels and represents clients on a wide range of legal and policy matters involving the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Toxic Substances Control Act (TSCA), the Clean Air Act (CAA), and many other requirements affecting all aspects of chemical development, production, and use.



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Jennifer advises clients on compliance under federal and state environmental laws and the management of environmental risks in business and real estate transactions. She also advises on the transportation of hazardous materials and dangerous goods under U.S. and international regulations and standards. She provides compliance counseling for solid and hazardous waste identification, management, and disposal issues; spill reporting and site remediation obligations; and permitting issues under the Clean Water Act and the Clean Air Act.



Martha E. Marrapese

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Martha is a sought-out legal and policy advisor on matters where technological advancement, environmental protection, and governance intersect. Her clients are solving today's major environmental security issues including climate change, PFAS contamination, and ocean plastics. Martha frequently consults on chemical control under TSCA, as well as initiatives that advance bio-based, sustainable products. She is sought out by clients who need to secure new chemical approvals in a timely way with freedom to operate.

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Sara Beth advises clients on environmental, chemical regulatory, and occupational safety compliance issues, including the integration of various regulatory requirements into comprehensive compliance strategies. Her practice includes work with pesticides, industrial chemicals, agricultural products, medical devices, dietary supplements, contaminated property issues, and environmental due diligence in transactions. Sara Beth advises companies and trade associations navigating through technical and cross-cutting issues under TSCA, FIFRA, the Resource Conservation and Recovery Act (RCRA), and many other environmental laws and statutes.



Sarah E. Amick

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Sarah helps global companies and industry associations navigate chemical regulations, manage end-of-life products, and advance sustainability initiatives. She represents clients before the Administration, federal regulatory agencies, and Congress in obtaining strategic public policy goals. She advises clients on global policy initiatives, identifies opportunities for proactive engagement with policymakers, and develops global advocacy strategies and industry partnerships to achieve policy objectives. Sarah also helps companies and industry associations ensure compliance TSCA, Proposition 65, and California's Safer Consumer Product Regulations.



Government Contracts

Wiley's top-ranked Government Contracts Practice represents clients nationwide and around the world, spanning virtually all industries. Our team has been at the center of some of the largest and most important matters in government contracts, including bid protests, claims and appeals, internal and government investigations, and specialized intellectual property and national security issues, among many others.



Under President Trump, the U.S. Department of Defense will continue to modernize and strengthen the supply chain and acquisition process, prioritizing domestic sourcing to avoid acquiring products or services from companies linked to adversarial nations. As required under the 2024 NDAA, major defense acquisition programs must continue to meet increased domestic content requirements to ensure a secure supply chain and maintain the defense industrial base. The new Administration will continue the current government-wide emphasis on cybersecurity for contractor information systems to protect unclassified information related to federal contracts. It will also continue efforts to acquire and utilize generative AI, while also regulating the government's and contractors' use of AI.

—Tracye Winfrey Howard
Partner, Government Contracts Practice



President Trump will likely move swiftly through Executive action to rescind President Biden’s contracting policies on labor rights and reporting of greenhouse gas emissions, among others. The new Administration will also prioritize working with Congress to reach a deal to fund the government while the Administration shapes its priorities for FY2025 and beyond. Should Republicans ultimately control both houses of Congress, we expect there will be significant additional funding for the defense budget. If the Democrats maintain control of the House, the Trump Administration may face negotiations that balance Republican priorities with key Democratic interests, particularly on social programs and climate-related funding. In the meantime, contractors could see a slowdown in contracting activity if the government is forced to operate under a continuing resolution and as new agency leadership comes onboard.

—John R. Prairie
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Paul is one of the most sought-after lawyers in the government contracts industry. He regularly represents major defense and civilian contractors in their most significant matters – often with many millions or billions of dollars at stake. A veteran bid protest attorney, Paul counsels and represents government contractors in all aspects of government contracting including contract disputes litigation, mandatory disclosures, False Claims Act actions, suspension and debarment proceedings and prime-subcontractor disputes in federal and state courts.



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Scott is widely recognized by government contracts industry leaders as an outstanding advocate and a consummate litigator. His practice spans all issues involving government contracts, including bid protests, claims and appeals, investigations, allegations of procurement fraud, and many “outside-the-box” issues of first impression. His experience extends across virtually all government contracting industries, including aerospace and weapon systems integration, information technology and network solutions, and architect-engineering and construction matters.



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Tracie represents government contractors and subcontractors in nearly all aspects of government contracting legal concerns – from bid protests to government investigations. Her work for clients includes handling disputes with the federal government, including litigation in matters such as monetary claims under the Contract Disputes Act, appeals of terminations for default, and defective pricing claims. She also prosecutes and defends bid protests before the U.S. Government Accountability Office, U.S. Court of Federal Claims, state courts, and procurement agencies.



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John represents a wide array of clients that do business with the federal government. He represents some of the largest aerospace and defense, logistics, professional services, and information technology contractors in the world in high-stakes bid protest and claims litigation. He also regularly assists small and emerging firms, as well as commercial and international companies with a limited footprint in the U.S. government market, with understanding and meeting the unique regulatory requirements of federal contracts.

International Trade & National Security

Wiley has one of the largest and most wide-ranging international trade practices in the country, leveraging our Washington and global policy expertise to help clients succeed in today's highly volatile trade environment. We are also the go-to firm for national security issues, providing essential guidance in classified matters, work with the intelligence community, cybersecurity, export controls, and other complex situations.



*The first Trump Administration rewrote the global rules on trade by disregarding conventional wisdom. The Trump Administration deployed moribund trade laws like Section 232 and 301 in bold and creative ways to strengthen U.S. industry, and as leverage to negotiate trade deals. Our clients benefited because we understood the Trump Administration objectives and counseled clients to take actions to benefit from the Administration's willingness to think outside the box. **In the second term we see a similar overall approach developing, but with an even bolder scope and sets of objectives which recognizes that the post-World War II global trade rules and institutions need to be changed and may not be salvageable with China and others participating in those institutions and blocking reform.***

The key for companies is to understand how to play in this environment where the Administration is committed to domestic manufacturing rather than multilateralism or the interests of trade partners.

— Alan H. Price
Co-Chair, International Trade Practice





The second Trump Administration has already made clear it will focus on tariffs and trade enforcement. It's likely that we will see new tariffs not just on China but on many import sources – including allies – and a return to more aggressive and unilateral use of trade laws including Section 301, which was the basis for the current tariffs on China. We also anticipate that President Trump will seek to strengthen Section 232 national security tariffs on steel and aluminum, particularly where there have been import surges from certain countries.

There is bipartisan agreement that we need to continue to rebuild solar manufacturing here in the United States, and we expect the Trump Administration will enforce our trade laws to ensure America's clean energy security, safeguard well-paying American manufacturing jobs, and promote the stability of our domestic solar industry.

In addition, because the Inflation Reduction Act has spurred new investment in renewable energy across the country, including in red states, purple states, and blue states, widespread reversal of those policies is unlikely. However, the Trump Administration will likely move quickly to ensure that solar companies owned or controlled by China do not receive subsidies and IRA tax breaks for their U.S. operations.

– **Timothy C. Brightbill**
Co-Chair, International Trade Practice



President Trump's new Administration will focus on addressing trade distortions arising from the unfair economic practices of America's major trading partners. Rather than a protectionist measure, this approach reflects a commitment to fair trade with allies and aims to boost U.S. manufacturing jobs, output, innovation, and GDP growth. Another economic priority will be the expansion of trade with African, South American, and Latin American nations. Lowering regulatory barriers for U.S. businesses to stimulate growth and productivity will also be a centerpiece of the Administration's economic agenda. Securing critical infrastructure and supply chain resilience will be additional key priorities. Further, the Trump Administration will very likely seek to broaden restrictions on sensitive technology transfers to China and other foreign adversary nations and simultaneously use sanctions authorities more effectively to punish foreign actors that undermine U.S. national security interests. **The ultimate objective of the Trump Administration's policies will be to recalibrate and expand America's trading relationships, increase U.S. economic growth, and strengthen America's national security posture globally.**

— **Hon. Nazak Nikakhtar**
Chair, National Security Practice;
Partner, International Trade Practice





Although President-Elect Trump has broad proposals on trade, many questions about implementation remain to be answered. These include when and how tariffs will be imposed and whether trading partners can avoid them at the negotiating table. The pressure to answer these questions will start now and will come from trading partners, Congress, and businesses who will work to shape the ultimate outcomes. In the first Trump Administration, there was a pragmatism around receiving input from the outside about the best ways to achieve its trade policy objectives. **Given that the Administration is likely to take trade actions at a rapid pace, businesses will need to be nimble to stay ahead of developments that impact their interests.**

—Greta M. Peisch
Partner, International Trade Practice



For the incoming Trump Administration, there will likely be two core principles that will guide trade and broader economic policies and actions. One is reciprocity (fairness). That will be the lens on which nearly all trade relationships will be evaluated and addressed, whether it be in terms of trade deficits, applied tariff rates, and/or market access, among others. With nearly any nation, where there is an imbalance, it will be addressed through the application of tariffs (whether through global or country-specific action) or other means to ensure that U.S. producers (existing and potential) have a level playing field to thrive domestically and/or sell abroad. **The second principle is supply chain security.** Where there are vulnerabilities to core and peripheral national security industries (or objectives), trade measures, sanctions, and agreements will be implemented to secure U.S. national security. The difficulty will be where, when, and how to prioritize either and/or both principles.

—Nova J. Daly
Senior Public Policy Advisor, National Security Practice; International Trade Practice



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Alan has more than 30 years of experience representing clients in high-profile, complex international trade regulatory matters, including trade litigation involving public and government relations issues. In addition to being chair of the firm's International Trade Practice, he heads the firm's antidumping and countervailing duty practice. He also counsels clients on bilateral and multi-lateral agreements, trade legislation, customs regulation, Foreign Corrupt Practices Act compliance issues, escape clause investigations, and World Trade Organization dispute resolution.



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Tim is one of the nation's leading international trade law and policy attorneys, representing U.S. industries and companies on all aspects of import trade remedies (such as antidumping law and countervailing duty law), global trade policy and trade negotiations, renewable energy and climate change policy, digital trade, international telecommunications, and customs enforcement matters. He has taught international trade law as an adjunct professor at Georgetown University Law Center for 20 years.



Hon. Nazak Nikakhtar

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Nazak brings over two decades of experience to help clients succeed in the domestic and global marketplace. She previously served as the U.S. Department of Commerce's Assistant Secretary for Industry & Analysis at the International Trade Administration, and fulfilled the duties of the Under Secretary for Industry and Security at Commerce's Bureau of Industry and Security. In these roles, Nazak shaped major initiatives to strengthen U.S. industry competitiveness, promote innovation, and accelerate economic and job growth.

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Nova has extensive experience on regulatory and national security matters involving international investment and trade policy. He has held senior leadership positions at the U.S. Departments of the Treasury and Commerce, the White House, and the U.S. Senate. He provides high-level insight and deep operational experience to help clients navigate the policy and regulatory environment surrounding cross-border business activities, especially through CFIUS, Team Telecom, and the Defense Counterintelligence Security Agency.



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Greta brings nearly 15 years of experience in international trade matters. She previously served as General Counsel for the Office of the United States Trade Representative where she was a primary legal advisor to the agency on trade enforcement and trade agreement implementation and negotiations. While at UTSR, Greta led the agency's enforcement agenda, including World Trade Organization and trade agreement dispute settlement and implementation of Sections 201 and 301 of the Trade Act of 1974.



Litigation

Our team offers top talent and unparalleled expertise in DC issues and litigation. We specialize in complex, government-adjacent litigation for clients around the world. We advise private-sector corporations, trade associations, nonprofits, and financial institutions, as well as individuals and government officials, across a broad spectrum of regulatory, arbitral, and judicial disputes, both domestically and internationally.



There will be ample litigation over regulation under the new Administration. As an initial matter, we expect the new Administration will be amenable to repealing many regulations, and those decisions may draw challenges in court. And using *Loper Bright* and *Corner Post*, there will be opportunities for regulated entities to challenge regulations in court, as the Administration will likely continue to appoint judges skeptical of federal agency power. We also anticipate continued interest and development of the nondelegation doctrine over the next four years, as courts further look to curb agency power by limiting Congress' ability to effectively give agencies blank checks to regulate certain areas.

—**Stephen J. Obermeier**
Partner, Litigation Practice



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The cryptocurrency industry has faced significant regulatory headwinds in recent years, which has even driven some crypto development to foreign jurisdictions. The election could reverse that trend and attract significant new cross-border investment and innovation. **There will be a more crypto-friendly Congress and a Trump Administration that has embraced crypto, which will likely result in enhanced clarity for regulatory enforcement and potentially broadscale legislation.** Many companies both within and outside the United States will be closely watching these shifts. In sum, the election could mark a turning point for the industry with ripple effects worldwide as cryptocurrency and blockchain technologies continue to innovate and grow.

—Joshua B. Simmons
Partner, Litigation Practice



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During his first term, President Trump took a number of steps intended to address theft of U.S. intellectual property by foreign nation-states and nation-state aligned actors. **Given continued concerns regarding IP theft from U.S. businesses, as well as rampant misuse of U.S. companies' IP for consumer fraud, the new Administration may revisit various initiatives intended to stop or punish IP theft by nation-state aligned actors.**

In relation to development of U.S. intellectual property, given the campaign's platform of promoting AI innovation, there may be increased pressure from the new Administration on the Copyright Office to release overdue second and third reports addressing AI's impact on copyright law. A focus on fostering continued growth of the AI industry in the U.S. also could lead the Administration to weigh in on any of the numerous copyright infringement lawsuits now pending against developers of generative AI models and tools.

—David E. Weslow
Partner, Litigation Practice;
Intellectual Property Practice





As the government's largest hammer for anti-fraud compliance and enforcement, we expect False Claims Act enforcement and litigation to continue to be robust.

The Act continues to enjoy wide bipartisan support and a change of Administration has never quieted the steady drumbeat of whistleblower qui tam actions and DOJ actions. But there may be opportunities for specific subjects of investigations and litigation, and it remains important to evaluate matters as the new Administration's policies and priorities come into focus. We expect some old policies to come back – for example, some version of DOJ's Brand Memo, where DOJ emphasized that sub-regulatory agency guidance generally may not be used to pursue FCA cases and other enforcement actions. That can impact specific investigations or cases. Massive FCA changes are unlikely, but possible – for example, DOJ embracing the unconstitutionality of the FCA, or a substantial increase of its use of dismissal authority.

All in, we anticipate the mainstays of DOJ priorities – cybersecurity, health care, defense and government contracts – will remain a strong focus. As always, effective corporate compliance policies and practices remain critical. But there may be opportunities with the new Administration if the government comes knocking.

—Roderick L. Thomas
Partner, Litigation Practice; White Collar Defense
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Stephen represents corporations, financial institutions, national political organizations, political campaigns, nonprofits, trade associations, and individuals in disputes involving sensitive and high-profile commercial, political, jurisdictional, and criminal issues. He has successfully litigated highly complex commercial, regulatory, and election law cases in district and appellate courts nationwide, including cases under the False Claims Act, the Racketeer Influenced and Corrupt Organizations Act, the Federal Election Campaign Act, the Administrative Procedure Act, the Computer Fraud and Abuse Act, the Anti-Terrorism Act, and the Telephone Consumer Protection Act.



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Josh represents clients in high-stakes international disputes. He has extensive experience in litigation and arbitration proceedings around the world. He has represented clients across a broad range of industries, including energy, natural resources, cryptocurrency, and financial services. He also advises companies on national security law, public international law, and transnational litigation in U.S. courts. Josh shares his insights on the most important cryptocurrency and blockchain disputes on his podcast, the [CryptoCounsel](#).



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Rod is a former federal prosecutor who served more than 10 years in the U.S. Attorney's Office in Washington, DC. He represents clients in internal investigations, FCA and *qui tam* matters, investigations related to government contracts and grants, whistleblower claims, subpoenas and civil investigative demands, congressional investigations, health care fraud and food and drug investigations, Foreign Corrupt Practices Act (FCPA) matters, ethics issues, and parallel criminal and civil investigations.

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David focuses his practice on intellectual property litigation and transactions involving trademarks, copyrights, and domain names. A former software and web developer, he regularly handles cutting-edge disputes involving law and technology. David has developed particular expertise helping businesses navigate internet, software, and anti-counterfeiting issues, and assists clients with application of intellectual property claims to business and product impersonations, intangible and digital asset thefts, business email compromise scams, social media issues, and other internet and software-based disputes.



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Enbar is a brief-writer and legal strategist who specializes in critical motions practice and appeals. She excels at translating complicated fact patterns and legal frameworks into digestible, persuasive themes. Her skills are pivotal in complex commercial litigation, appeals from administrative agency action, and related trial or arbitral proceedings. Enbar's recent matters include antitrust litigation, False Claims Act cases, Federal Trade Commission enforcement proceedings, securities litigation, commercial disputes, and international trade appeals.

Privacy, Cyber & Data Governance

From the high-tech sector to government contractors to fintech to brick-and-mortar retailers, we cover a range of challenges and are trusted advisors to companies and associations working on privacy and data security around the world. Our team assists clients with issues ranging from compliance to transactional diligence to investigations, enforcement, and litigation.

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Cyber policy has long been a bipartisan issue, though we have seen some shifts as the Executive branch has moved toward increasing regulation, both of incident reporting and of baseline requirements.

We also have seen the creation of new roles in government, like the Office of the National Cyber Director, which could play an important role in coordinating work across the Executive branch. This means that there may be room for the new Administration to shift gears, for example, to more aggressively promote real deconfliction and alignment of cyber requirements. In the agencies, new leadership may be able to achieve harmonization and reduce burdens on the private sector that stifle real partnership on cyber. We may see a shift in tone on things like the DOJ's Civil Cyber Fraud Initiative and a retreat from the more punitive approach taken by the Securities and Exchange Commission, which has been asserting a role for itself on cyber but often has created confusion and seems to blame the victims of cyber attacks. The Federal Communications Commission may take a fresh look at its approaches to new regulation, which has seen cyber tacked onto many programs and rulemakings, and invoked to justify expansive new rules, like the broadened data breach reporting regime that has been challenged in court. The FCC may also adjust its Enforcement approach to emphasize more traditional areas of FCC regulatory concern, and slow down or stop making data security and privacy policy through aggressive investigations and consent decrees.

—Megan L. Brown
Co-Chair, Privacy, Cyber & Data Governance Practice





The federal government's approach to AI is at an inflection point. The current Administration's Executive Order on AI launched work on AI throughout the federal government. **The next Administration will decide whether to roll back any part of the Executive Order and how best to implement policies to support AI innovation for U.S. global competitiveness.** Agencies like the Federal Trade Commission also will determine how best to approach AI development and deployment on the regulatory and enforcement fronts. We can expect the next Administration to be broadly supportive of AI innovation, but the details at individual agencies will be important to track.

—**Duane C. Pozza**
Co-Chair, Privacy, Cyber & Data Governance Practice;
Chair, FTC Regulation Practice



Recent reports that adversary nation-states stole sensitive documents from President-Elect Donald Trump's presidential campaign and also attempted to gain access to Vice President Harris's campaign make it clear that campaigns, political action committees, and advocacy groups are attractive targets for malicious cyber activities. We can only expect this type of malicious cyber activity to increase as the new Administration takes shape. A presidential transition and change of Administration only heightens this risk as adversary nation-states are likely to increase their cyberattacks to try to gain insights into the positions and personnel associated with a new Administration. To guard against these risks, there simply is nothing better than advance preparation. Risk assessments, data security reviews, incident response planning, and lining up outside counsel and forensic or communications specialists are key to properly handling a cybersecurity incident. Cyber incident reporting requirements have proliferated during the Biden Administration as the SEC, CISA, and TSA, to name a few, seek to regulate cybersecurity. These requirements often require reporting in very short time frames often before an incident is fully understood or an investigation is completed. Expect President-Elect Trump to review these frequently duplicative reporting requirements with an eye towards minimizing these costly requirements and/or eliminating duplicative reporting requirements on critical infrastructure.

—**Jacqueline F. "Lyn" Brown**
Of Counsel, Privacy, Cyber & Data Governance Practice





As the Trump Administration considers its stance on the CFPB's new Personal Financial Data Rights rule, businesses should monitor for potential shifts in the CFPB's approach, including on data governance and cybersecurity requirements. The rule, which mandates that financial institutions share consumer data with certain third parties upon request, has already triggered lawsuits from trade groups. The new Administration will continue to weigh cybersecurity and privacy concerns in evaluating the rule's intent to give consumers more control over their data. In particular, financial institutions should stay alert to any regulatory adjustments that may impact data-sharing obligations and consumer financial privacy practices.

—**Antonio J. Reynolds**
Partner, Privacy, Cyber & Data
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The Congressional Review Act (CRA) provides an opportunity for Congress to invalidate agency rules. Additionally, the CRA's "lookback" period allows for a renewed period of congressional review at the beginning of a new session of Congress. Heading into 2025, the lookback period becomes important. With Republican control of the Administration and Senate, and if Republicans keep the House majority, it is more likely a CRA would be successful at the beginning of the year when the congressional review period is open from the previous Administration's actions. **President Trump would likely be more inclined to sign a CRA into law to overturn a Biden Administration rule.** Assuming Republicans keep the House next year, there is opportunity for organizations to seek relief from certain agency regulations. We encourage clients to review rules recently finalized and any that are finalized before Inauguration and the new Congress, to see if they would be good candidates for CRA action. We are helping clients consider how to appeal to Congress and work with agencies in this period of transition.

—**Crystal Tully**
Special Counsel, Telecom, Media
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Megan advises global clients and associations on new cybersecurity and data governance regulations, and best practices and standards, including incident reporting obligations and baseline operational mandates. She represents corporations in complex agency investigations and congressional inquiries about cyber and network security. Megan helps organizations engage in implementation of Executive Orders (AI, cybersecurity, data transfers, post-quantum cryptography, and more) and proceedings at the CISA, FCC, FTC, DOJ, Commerce, and NIST, as well as in the states.



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Duane helps clients navigate complex legal and regulatory matters involving privacy, consumer protection, and data governance, with a focus on regulation involving emerging technology including artificial intelligence. He successfully handles Federal Trade Commission inquiries and advocates before the agency, in addition to representing clients dealing with the Consumer Financial Protection Bureau and state agencies. He previously served as an Assistant Director in the Division of Financial Practices at the FTC, where he led consumer protection efforts in fintech.



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Antonio represents financial services companies and other major corporations, as well as their officers and directors, in a variety of civil and criminal enforcement matters before federal and state agencies. He has advised clients in matters involving the Consumer Financial Protection Bureau, the Federal Trade Commission, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve Board, and state attorneys general.

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Kat offers counsel to clients across a range of sectors on issues surrounding established and emerging technologies and privacy and cybersecurity issues at the federal and state level. She represents clients before the Federal Communications Commission, Federal Trade Commission, and National Institute of Standards and Technology, among other federal agencies, and has extensive experience advising clients in a variety of regulatory, legislative, compliance, and transactional matters.



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Lyn advises clients on a wide range of cybersecurity, national security, economic espionage, insider threat, ransomware, election security, and privacy issues. She specializes in helping clients prepare for and respond to cyberattacks, including multimillion-dollar ransomware attacks, business email compromises, and other forms of information security incidents or data breaches. Lyn previously served as Acting Chief of the FBI's Cyber Law Unit and as Senior Counsel at the National Cyber Investigative Joint Task Force.



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Crystal advocates for clients on policy matters with a focus in telecommunications, technology, consumer protection, data privacy, cybersecurity, aviation, surface transportation, and space. She has experience collaborating with the White House; Congress; the Departments of Defense, Commerce, and Transportation; the FTC; and the FCC. She has over a decade of experience working in the federal government, and previously served as a General Counsel at the U.S. Senate, where she advanced policy priorities and oversaw various investigations.

Telecom, Media & Technology

Wiley has the largest TMT practice in the United States. We handle nearly every regulatory issue affecting the communications sector – from traditional matters such as spectrum allocation, license applications, content licensing and distribution, and pole attachment proceedings to blockchain, fintech regulation, the Internet of Things, and other rapidly evolving innovations.



Addressing issues pertaining to the ongoing sustainability of the Federal Communications Commission’s (FCC) \$9 billion Universal Service Fund (USF) program will be a high priority for the next Administration. Even prior to this July’s Fifth Circuit decision in [Consumers Research v. FCC](#), which found the USF program and funding mechanism to be unconstitutional, the FCC and Congress were grappling with how best to address the program’s contribution funding methodology to lessen the burden on the small (and dwindling) number of providers required to contribute. Because the universal service principle that all Americans should have access to communications services is also a statutory mandate, there will continue to be bipartisan support for defending the existence of the USF and finding a long-term sustainable funding solution. And while both sides agree that USF reform is sorely needed, [Republican-led proposals](#) have primarily called for reining in spending prior to even considering expansion of the contribution base. The current and prior Administrations have been reluctant to commence new proceedings on contribution reform, perhaps waiting on Congress to act. However, the Fifth Circuit’s intervention may force the hand of the next Administration to take on USF reform absent congressional action.

—Diane Holland
Partner, Telecom, Media & Technology Practice





Restoring spectrum auction authority and pushing forward on identifying and making available new spectrum for commercial use will likely be an urgent priority under the Trump Administration. This is a bipartisan issue, and everyone in DC understands the urgency behind maintaining U.S. leadership on spectrum – but to date a solution has remained out of reach. The new Administration will need to see if it can find a way to cut this knot.

On the UAS front, one key challenge for the Trump Administration, for both drones and advanced air mobility, will be adopting rules across the government that finally enable large scale operations. To make that work, the White House will need to see it as a priority and put some real weight behind moving things forward. The new Administration will also need to confront national security concerns and do so in a way that does not adversely affect the thousands of people using drones every day for critical tasks like search and rescue, perhaps by fostering the growth of competitive alternatives.

—Joshua S. Turner
Partner, Telecom, Media & Technology Practice



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Kathy is one of the most sought-after communications attorneys in the United States. She represents media clients, including major radio and television group owners and programming networks, on business and transactional issues as well as regulatory matters before the FCC. She also advises on newsgathering, content regulation, and First Amendment issues, helping to influence state and national policy to protect journalists and ensure government transparency. Kathy currently serves as President the Federal Communications Bar Association (2024-2025 term).



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Jen advises communications and technology companies on domestic and international regulatory, policy, and transactional matters. She focuses on the licensing and operation of space stations, earth stations, undersea cables, and international telecommunications providers. Her representation includes some of the largest and most successful satellite operators, telecommunications providers, and network operators. She helps clients navigate a highly complex, cross-jurisdictional regulatory environment on issues such as spectrum sharing, space safety, national security, and foreign investment.



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Tom represents clients in high-stakes appellate and regulatory litigation matters. Tom has argued appeals in the Fourth, Fifth, Ninth, D.C., and Federal Circuits, and the West Virginia Supreme Court of Appeals. Prior to joining Wiley, Tom was the General Counsel at the FCC, where he served as the agency's chief legal officer and briefed dozens of appeals – personally arguing two – in the federal courts of appeals in constitutional and administrative law challenges to the FCC's orders.

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Diane advises clients on broadband, media, consumer protection, and universal service issues, with an emphasis on regulatory compliance and support. She has served as lead counsel for regulatory proceedings on net neutrality, broadband infrastructure deployment, internet protocol transitions, and enforcement reform. She has over 20 years of experience working in the federal government, and prior to joining Wiley, Diane was the Deputy Chief and Special Advisor for the Wireline Competition Bureau at the FCC.

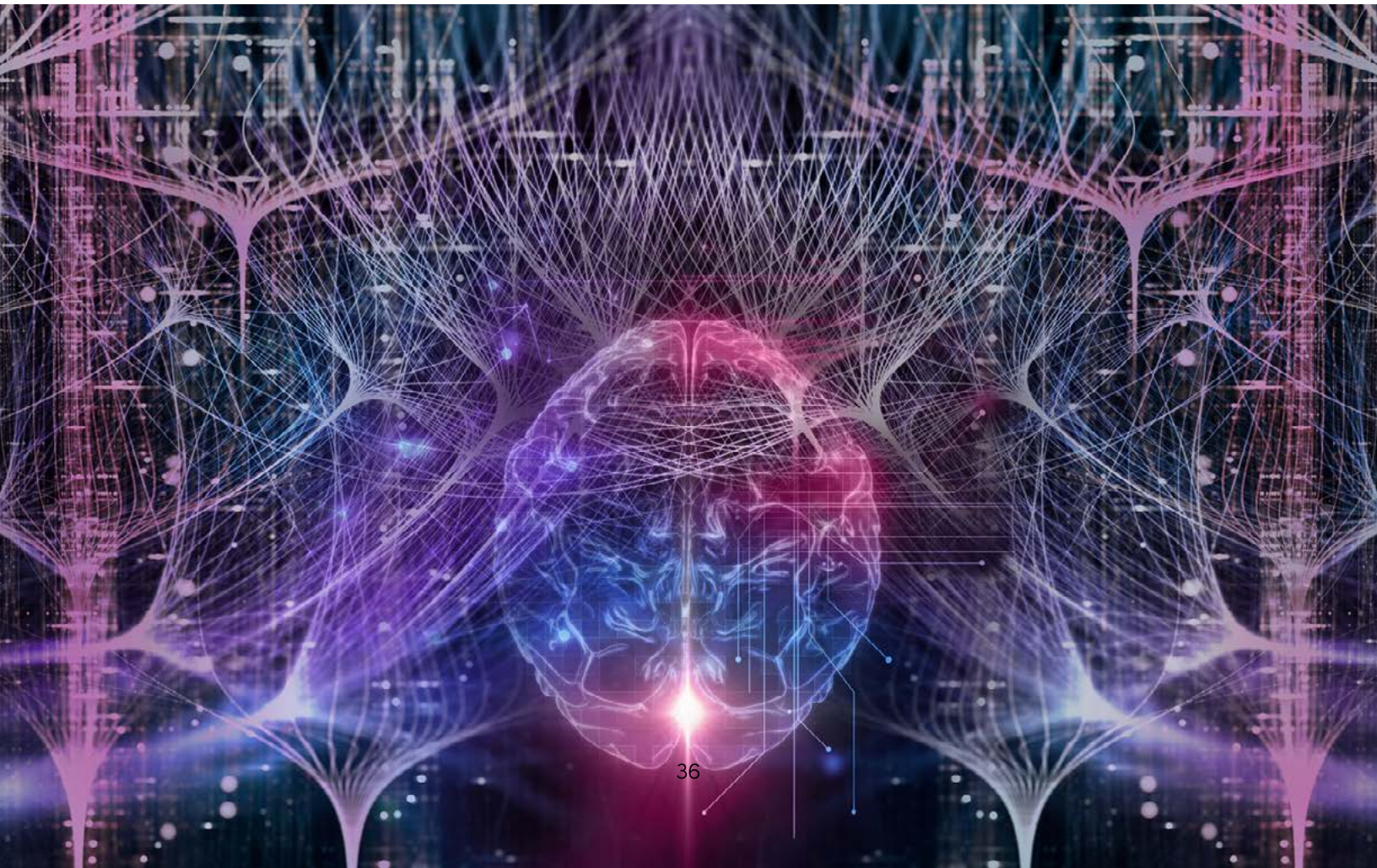


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Josh advocates for a wide array of clients as they navigate complex regulatory regimes and/or court challenges to roll out critical new infrastructure and innovations that are transforming connectivity for businesses and consumers across the United States. Josh specializes in federal appellate review of FCC decisions and both prosecution and defense of federal district court actions involving communications law. He is also nationally recognized expert in federal preemption with respect to the growing field of uncrewed aircraft systems (drones).



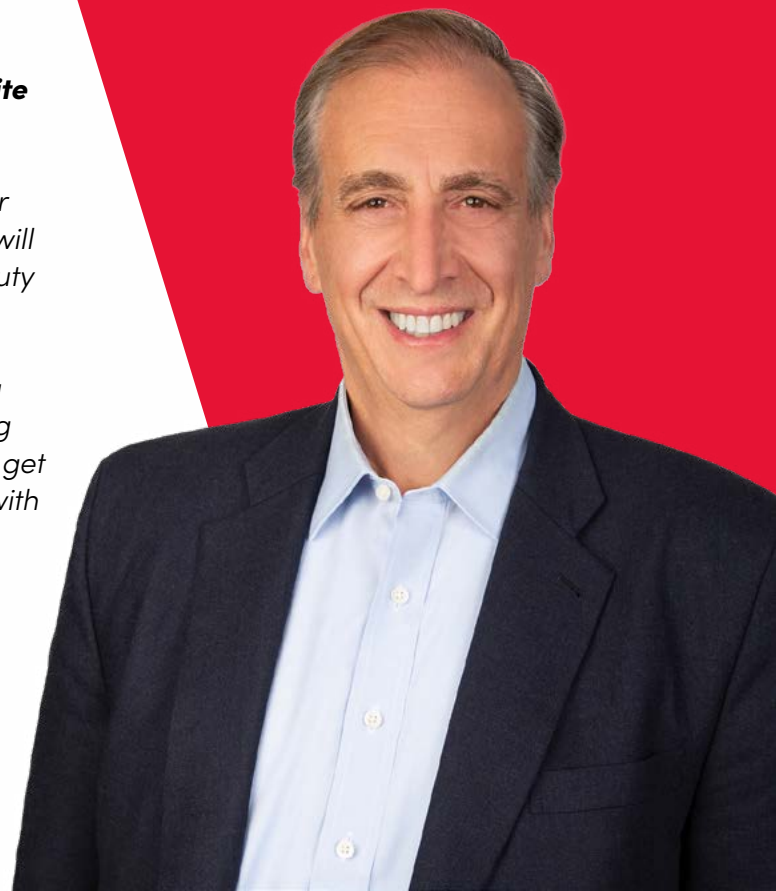
White Collar Defense & Government Investigations

Our elite team has decades of experience successfully defending clients facing potential civil and criminal liability based on conduct arising in the United States or abroad. We represent clients across the full spectrum of industry sectors, in matters involving a wide range of federal agencies, as well as Congress and state and local law enforcement.

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Looking back to the period before the prior Trump Administration, there was a fear of a slowdown in white collar criminal prosecutions, especially in areas like the FCPA. That did not meaningfully materialize, and we do not think it will here. That said, what white collar enforcement looks like in a new Trump Administration will largely depend on the new Attorney General and Deputy Attorney General and how they realign priorities and resources. Potential areas of focus and change could include things such as sanctions enforcement involving different countries and targeting companies employing undocumented workers. Civil monetary penalties may get a hard look, so that even where entities are resolving with DOJ, the financial penalties may be less severe.

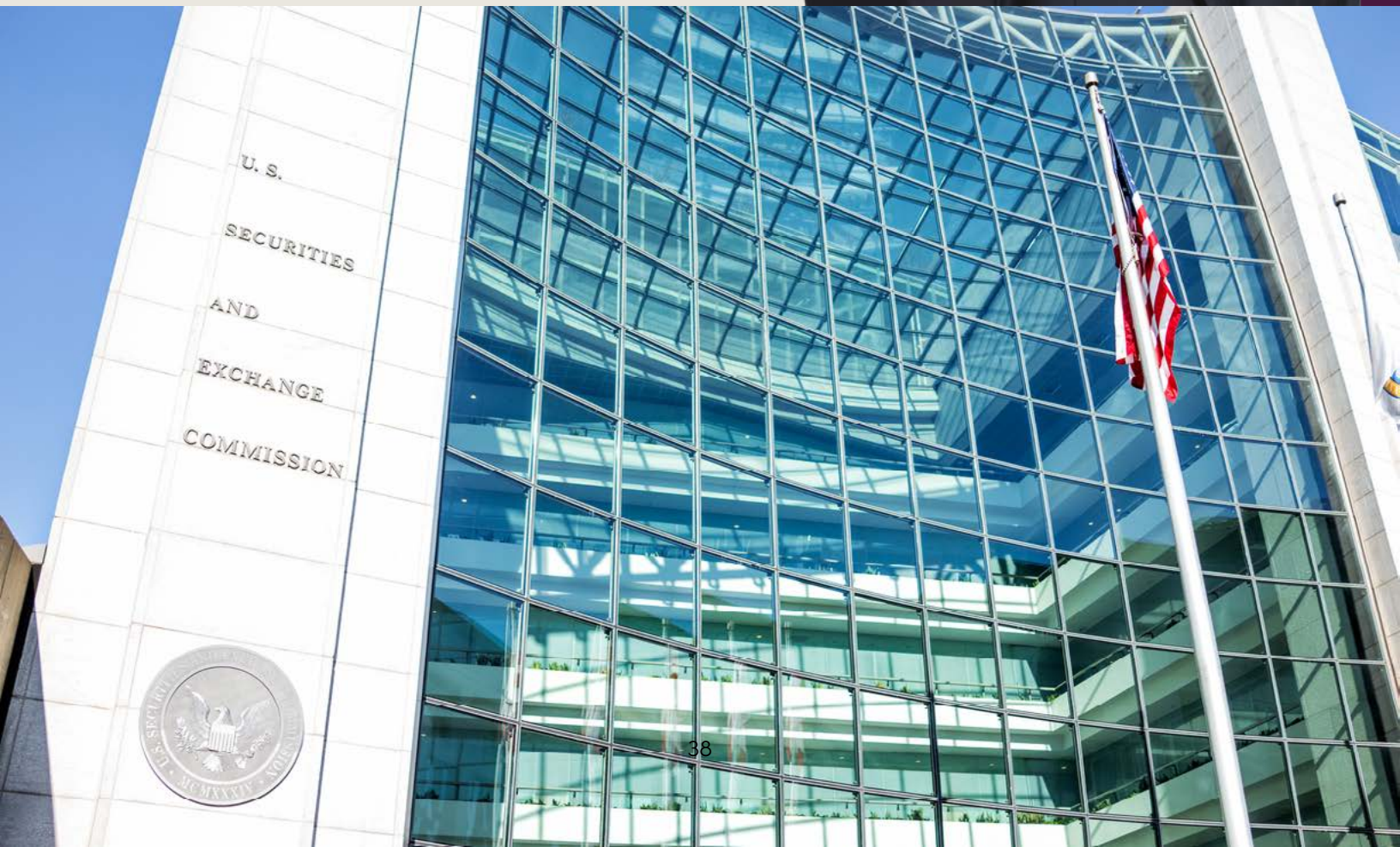
—Ralph J. Caccia
Chair, White Collar Defense & Government
Investigations Practice; Litigation Practice





Under the new Trump Administration, we will see a change at the top of the U.S. Securities and Exchange Commission, with a new Chair a top priority. The direction the agency takes from there will be largely dependent on that choice and who the new Chair selects as their next Director of the Division of Enforcement. We expect SEC Enforcement to return to its core focus on activities with the potential for actual investor harm, as opposed to some of the more technical accounting disclosure cases the SEC has recently brought such as those related to disclosure and internal controls around cyber breaches. The SEC's aggressive enforcement in the crypto space will also get a close look and may change dramatically – focusing more on traditional fraud cases that happen to involve crypto, rather than using SEC Enforcement to regulate crypto in such a way as to stifle its growth. Finally, a new SEC Chair will reevaluate the SEC's aggressive rule making agenda, likely targeting first the SEC's Climate-Related Disclosure rule.

—Kevin B. Muhlendorf
Partner, White Collar Defense & Government
Investigations Practice; Securities Enforcement
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Under a new Trump Administration, we may see an immediate and significant shake-up in Inspector General leadership. If, as was attempted during the first Trump Administration, the President looks to replace many of the sitting IGs with his own nominees, we may see many months during which Offices of Inspectors General (OIGs) are led by career officials operating in an acting capacity, which may result in less aggressive and slower oversight in some instances. With the Republican majorities in the Senate and, likely, the House, OIGs will receive significant congressional pressure to pursue oversight work aimed at the policies and actions of the prior Administration, particularly those related to immigration, climate change, and diversity, equity, and inclusion (DEI) initiatives. OIG budgets will likely be left stagnant or cut during the next and subsequent appropriation cycles, which will also hamstring the amount of discretionary oversight work OIGs can do, leaving sufficient resources in some instances only for statutorily mandated audits and investigations of only the most serious criminal misconduct.

—**Diana R. Shaw**
**Partner, White Collar Defense
& Government Investigations Practice**





Health care fraud enforcement has historically enjoyed bipartisan support, with little more than budget fluctuations impacting its agenda from one Administration to the next. **With the second Trump Administration's arrival in January, however, we could see a swift upheaval in the health care industry writ large if the President-Elect delivers on campaign promises to dismantle and replace the Affordable Care Act.** Changing regulations create an environment ripe for both fraud and confusion, which DOJ is certain to mine aggressively for targets as the industry scrambles to keep up.

—**Kathleen Cooperstein**
**Special Counsel, White Collar Defense
& Government Investigations Practice**



President-Elect Trump has not articulated a firm position on artificial intelligence besides committing to withdrawing the Biden Administration's Executive Order on Artificial Intelligence. **Expect enforcement agencies like DOJ, SEC, and FTC to focus their efforts on relatively non-controversial actions like pursuing scams relying on deepfakes or prohibited robocalls or investigating companies making false claims regarding their AI-capabilities (e.g., AI-washing).** Enforcement agencies are likely to avoid aggressively policing AI developers and companies implementing AI tools as the new Administration will hope to foster AI development and adoption in the private sector. This more hands-off approach could lead to an increase in civil litigation as private parties and the courts look to define the contours of acceptable AI use.

—**Nick Peterson**
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Ralph is a trusted advisor and advocate for clients, navigating their most sensitive and high-stakes matters. A former federal prosecutor, Ralph develops and executes legal strategies in cases involving health care fraud, the False Claims Act, antitrust, contract, grant, and procurement fraud, bribery, election law violations, securities fraud, the Foreign Corrupt Practices Act, and environmental crimes. He represents clients across all industries, including hospitals, medical device and pharmaceutical companies, lobbyists, nonprofit organizations, defense contractors, manufacturers, and political action committees.



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Brandon defends companies and their executives in complex civil and criminal cases involving alleged health care fraud, the False Claims Act, whistleblower allegations, the Foreign Corrupt Practices Act, antitrust, regulatory violations, and contract and procurement fraud. She has extensive experience shepherding life-sciences companies, government contractors, not-for-profits, and technology companies through internal investigations and responding to subpoenas and civil investigative demands. She also advises on compliance programs, privacy, telecommunications compliance, Team Telecom, and new media issues.



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Kevin leads Wiley's Securities Enforcement Practice where he advises individuals and entities in securities fraud, commodities fraud and anti-corruption matters. As a former Assistant Chief in the U.S. Department of Justice Fraud Section and Senior Counsel in the Enforcement Division of the U.S. Securities and Exchange Commission, Kevin brings a unique experience to defending complex, and often overlapping, civil and criminal enforcement investigations. He is frequently called upon to lead time-sensitive internal investigations involving domestic and foreign entities.

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Diana is the former Acting Inspector General of the U.S. Department of State and a former senior official at the Department of Homeland Security. She brings a wealth of knowledge and expertise to clients facing challenging public policy and other matters that combine legal and political risks and opportunities. Diana's experience spans the full scope of congressional and Executive branch investigations – from targeted information requests to some of the most high-profile and contentious investigations and oversight hearings.



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Nick defends companies against government enforcement actions and whistleblower claims. He also advises clients on potential civil and criminal exposure, ethics and compliance matters, litigation risks, issues involving artificial intelligence and emerging technologies, and other strategic concerns. He has represented a diverse array of clients ranging from major government contractors to nonprofit organizations, and companies operating in the environmental, aviation, healthcare, technology, and consumer product sectors.



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Kathleen represents corporations, directors, and other individuals in government investigations and white collar defense. Her experience includes matters involving internal investigations, the False Claims Act, Anti-Kickback Statute, and health care fraud in both criminal and civil matters. She supports her clients at every stage of litigation from grand jury proceedings to appeals to the U.S. Supreme Court. Kathleen previously served as a trial attorney in the U.S. Department of Justice's Criminal Section Health Care Fraud Unit.

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