

Strategic Competition & Supply Chain

Building resiliency and sustainability in domestic and international supply chains is of paramount importance for both corporations and governments worldwide. Supply chains involve manufacturing and services capabilities and extend to research and development, skilled labor, e-commerce, and financing as levers of sustainable growth.

While the global integration of supply chains has delivered unparalleled benefits for industries with respect to production efficiencies, technological advancements, and diversification of operations, globalization has also rendered many supply chains vulnerable to disruption. Whether disruption results from regulatory restrictions on the flow of goods, contraction of suppliers, natural disasters, or geopolitical factors, the economic losses can be significant and the implications for local economies, trade, and national security can be devastating.

For companies and industries, a comprehensive assessment of supply chain risks involves both the careful evaluation of sourcing patterns and the examination of potential breaks in supply sources, including:

- Domestic and foreign country tariff and quota measures restricting trade in certain goods;
- Foreign market access barriers and discriminatory practices that impede entry into foreign markets and the integration of supply chains;
- Unfairly priced imports that injure, threaten to injure, or materially retard the growth of domestic industries or prevent a competitive playing field in foreign markets;
- Export control measures limiting the movement of certain items and technologies across borders;
- Regulatory measures that are incompatible with market demand;
- Labor and raw material shortages;
- Cyberattacks or telecommunications system failures; and
- Damage to operations caused by natural disasters or other unforeseen factors.

To mitigate supply chain risks, industries are increasingly seeking to source materials and services domestically or from trading partners with a track record of reliability and dependability. At the same time, governments – including the United States government – are looking to incentivize domestic investments to strengthen the defense industrial base and to develop policies that allow firms to realize the full value of those investments. For companies looking to expand production operations domestically or reshore operations in whole or in part, strategies could include:

- Leveraging available financial incentives and government procurement programs aimed at investments in critical industries, critical infrastructure, and emerging technologies;
- Cultivating a broad base of upstream suppliers and access to skilled workforce to produce high-quality output;
- Maximizing innovations that build scale and achieve production efficiencies;
- Developing a robust, diverse, and reliable consumer base to drive business growth;
- Accessing export markets to expand sales, generate revenue, and integrate domestic supply chains with trading partners; and
- Countering predatorily-priced imports that threaten to erode the growth of new and established supply chains.

Wiley's multidisciplinary Supply Chain Practice delivers effective solutions for businesses by relying on the substantial expertise of our lawyers, consultants, and economists in the administrative and regulatory law, international trade, national security, government contracts, telecommunications, intellectual property, biotechnology, and environmental law practices. Our industry expertise extends across a range of sectors, including: defense, motor vehicles, aerospace, semiconductors, critical materials (minerals and rare earths, steel, aluminum), medical equipment and pharmaceuticals, advanced energy storage systems, telecommunications, infrastructure, consumer goods, financial services, e-commerce, and agriculture, to name a few.

Further, our professionals have held high-level positions in multiple administrations, across numerous federal agencies, and on Capitol Hill. Our combination of government and private sector expertise, diverse industry experience, and strong relationships with key decision-makers in the U.S. government and internationally position us to deliver unparalleled advocacy and results for our clients.

Contact Us

Hon. Nazak Nikakhtar
202.719.3380 | nnikakhtar@wiley.law