

## CLIENT ALERT

### New Exclusionary Powers Survive Court Test

June 6, 2018

On May 30, U.S. District Court Judge Colleen Kollar-Kotelly denied Kaspersky Lab relief in two suits the company filed challenging the Department of Homeland Security’s Binding Operational Directive instructing federal agencies to remove company software from federal systems, and the National Defense Authorization Act’s specific preclusion of software from the company. The decision begins by announcing “[t]he United States government’s networks and computer systems are extremely important strategic national assets. . . .Their security depends on the government’s ability to act swiftly against perceived threats and to take preventive action to minimize vulnerabilities. These defensive actions may very well have adverse consequences for some third-parties. But that does not make them unconstitutional.”

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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