National Security/CFIUS

National security laws and policies impact virtually every cross-border business. Clients must take national security, homeland security, and foreign policy into account in making consequential decisions on international trade and investment, cybersecurity and data and infrastructure protection, interactions between law enforcement and the private sector, regulatory compliance, immigration, and emergency preparedness. Steptoe’s National Security Group – one of the deepest and most well-established amongst US law firms – provides practical legal advice and counsel to clients on the national security, homeland security, and foreign policy dimensions of these issues.

Complementing and drawing on the firm’s other marquee practices, our National Security group includes former senior US government officials from the National Security Council, the Departments of State, Treasury, Justice, Defense and Homeland Security (DHS), the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation. We have an in-depth understanding of the relevant legal requirements and regulatory frameworks at each of these agencies, as well as many of DHS’s sub agencies (for example, the Transportation Security Administration, Customs and Border Protection, and Immigration and Customs Enforcement). In many cases, Steptoe lawyers and professionals helped develop the relevant laws and policies that govern these organizations today.

We provide legal advice and counsel related to US national security, homeland security, and foreign policy to clients in virtually every key cross-border business sector, including defense, aviation and other transportation, finance, logistics, technology and telecommunications, and manufacturing, as well as to sovereign governments.

CFIUS Review

Steptoe’s national security practitioners have significant experience advising clients on the work of the Committee on Foreign Investment in the United States (CFIUS) and other US government processes for review of foreign investments, including Foreign Ownership, Control or Influence (FOCI) mitigation review conducted by the US Department of Defense’s Defense Security Service (DSS) and the “Team Telecom” national security review conducted in conjunction with certain Federal Communications Commission license applications.

Steptoe lawyers provide clients with a sophisticated insider’s understanding of the process by which the US government reviews national security implications of foreign investments under CFIUS and other mechanisms.

Noteworthy

- **Chambers Asia-Pacific**, International Trade/WTO, Asia-Pacific Region (2009-2021)
- **Chambers Asia-Pacific**, International Trade/WTO, China (2011-2021)
- **Chambers USA**, International Trade: CFIUS Experts, Nationwide (2017-2020)
- **Chambers USA**, International Trade, Nationwide (2005-2016)
- **Law360**, International Trade Group of the Year (2010-2013, 2015, 2019)
Representative Matters

The CFIUS and FOCI processes are highly confidential, and the government does not even disclose the fact that specific transactions or companies are subject to review. Publicly available information is therefore limited. But companies themselves sometimes disclose information about their interaction with the CFIUS and FOCI processes, and Steptoe lawyers have been involved in many seminal cases, including the following illustrative matters:

- Regularly advise defense contractors on Department of Defense supply chain and service provider cybersecurity requirements.
- Represent the Coalition for Responsible Cybersecurity, a broad cross-section of US- and EU-based cybersecurity companies, including Symantec, Philips, Microsoft, Ionic Security, FireEye, and Raytheon, to educate policymakers in the US, EU, UK, and around the world on the dangers of adopting export control regulations that would limit cybersecurity effectiveness and the options available for controlling malicious activity on the internet without stifling defensive capabilities.
- Obtained CFIUS and DSS/FOCI clearance for acquisition by non-US company of a leading cybersecurity business.
- Obtained CFIUS clearance for a Chinese multinational computer and personal technology company, with regard to its $2.9 billion acquisition of Motorola Mobility, a mobile telecommunications device company.
- Represented Ralls Corporation before CFIUS; Ralls had acquired windfarm projects and our representation began when CFIUS requested Ralls submit to a CFIUS review, a review the US Court of Appeals subsequently found violated Ralls' constitutional rights.
- Advised an Indian company regarding the FOCI aspects of its entrance into the US aerospace and defense market.
- Advised a US information technology company with classified contracts regarding CFIUS and DSS/FOCI processes entailed in a transaction with a European company.
News & Publications

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Speakers: Brian Egan, Wendy Wysong, Hena Schommer

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The Global Reach of GDPR (Part I)
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Speakers: Stewart A. Baker, Maury Shenk, Philip Woolfson

SEMINARS & EVENTS

Election Cybersecurity
How Bad Is It and What Can We Do About It?
November 7, 2017
Speaker: Stewart A. Baker
Steptoe
1330 Connecticut Avenue, NW
Washington, DC 20036

WEBINARS

2015 Developments Regarding Economic Sanctions and Export Controls
December 15, 2015
Speakers: Alexandra Baj, Jack R. Hayes, Meredith Rathbone, Edward J. Krauland
CFIUS Publishes Final Rules Implementing FIRRMA: What Changed and What it Means for Industry
February 13, 2020
By: Brian Egan, Stewart A. Baker, Evan T. Abrams

CFIUS Proposes Dramatic Expansion of US Foreign Investment Review, Seeks Public Input
October 2, 2019
By: Brian Egan, Stewart A. Baker, Scott A. Sinder, Evan T. Abrams, Martin Willner

Changes Afoot for CFIUS and US Export Controls as the Dust Settles on FIRRMA
August 16, 2018
By: Brian Egan, Evan T. Abrams, Zhu (Judy) Wang

CFIUS Reform: What’s Next?
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DoD Issues Interim Offset Costs Rule
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CFIUS 2013 Annual Report: Sustained Increase in Investigations
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By: Stewart A. Baker, Edward J. Krauland

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